General Assembly

Distr.: General
12 February 2009

Sixty-third session
Agenda item 70 (*a*)

Resolution adopted by the General Assembly

[*without reference to a Main Committee (A/63/L.42 and Add.1)*]

63/111. Oceans and the law of the sea

The General Assembly,

Recalling its annual resolutions on the law of the sea and on oceans and the law of the sea, including resolution 62/215 of 22 December 2007, and other relevant resolutions concerning the United Nations Convention on the Law of the Sea ("the Convention"),[1]

Having considered the report of the Secretary-General,[2] the joint statement of the Co-Chairpersons of the Ad Hoc Open-ended Informal Working Group to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction ("the Ad Hoc Open-ended Informal Working Group")[3] and also the reports on the work of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea ("the Consultative Process") at its ninth meeting[4] and on the eighteenth Meeting of States Parties to the Convention,[5]

Emphasizing the pre-eminent contribution provided by the Convention to the strengthening of peace, security, cooperation and friendly relations among all nations in conformity with the principles of justice and equal rights and to the promotion of the economic and social advancement of all peoples of the world, in accordance with the purposes and principles of the United Nations as set forth in the Charter of the United Nations, as well as to the sustainable development of the oceans and seas,

Emphasizing also the universal and unified character of the Convention, and reaffirming that the Convention sets out the legal framework within which all activities in the oceans and seas must be carried out and is of strategic importance as the basis for national, regional and global action and cooperation in the marine sector, and that its integrity needs to be maintained, as recognized also by the

[1] United Nations, *Treaty Series*, vol. 1833, No. 31363.

[2] A/63/63 and Add.1.

[3] A/63/79 and Corr.1, annex.

[4] A/63/174 and Corr.1.

[5] SPLOS/184.

United Nations Conference on Environment and Development in chapter 17 of Agenda 21,[6]

Recognizing the important contribution of sustainable development and management of the resources and uses of the oceans and seas to the achievement of international development goals, including those contained in the United Nations Millennium Declaration,[7]

Conscious that the problems of ocean space are closely interrelated and need to be considered as a whole through an integrated, interdisciplinary and intersectoral approach, and reaffirming the need to improve cooperation and coordination at the national, regional and global levels, in accordance with the Convention, to support and supplement the efforts of each State in promoting the implementation and observance of the Convention, and the integrated management and sustainable development of the oceans and seas,

Reiterating the essential need for cooperation, including through capacity-building and transfer of marine technology, to ensure that all States, especially developing countries, in particular the least developed countries and small island developing States, as well as coastal African States, are able both to implement the Convention and to benefit from the sustainable development of the oceans and seas, as well as to participate fully in global and regional forums and processes dealing with oceans and law of the sea issues,

Emphasizing the need to strengthen the ability of competent international organizations to contribute, at the global, regional, subregional and bilateral levels, through cooperation programmes with Governments, to the development of national capacity in marine science and the sustainable management of the oceans and their resources,

Recalling that marine science is important for eradicating poverty, contributing to food security, conserving the world's marine environment and resources, helping to understand, predict and respond to natural events and promoting the sustainable development of the oceans and seas, by improving knowledge, through sustained research efforts and the evaluation of monitoring results, and applying such knowledge to management and decision-making,

Recalling also its decision, in resolutions 57/141 of 12 December 2002 and 58/240 of 23 December 2003, to establish a regular process under the United Nations for global reporting and assessment of the state of the marine environment, including socio-economic aspects, both current and foreseeable, building on existing regional assessments, as recommended by the World Summit on Sustainable Development,[8] and noting the need for cooperation among all States to this end,

Reiterating its concern at the adverse impacts on the marine environment and biodiversity, in particular on vulnerable marine ecosystems, including corals, of human activities, such as overutilization of living marine resources, the use of destructive practices, physical impacts by ships, the introduction of invasive alien species and marine pollution from all sources, including from land-based sources

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[6] *Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3–14 June 1992*, vol. I, *Resolutions Adopted by the Conference* (United Nations publication, Sales No. E.93.I.8 and corrigendum), resolution 1, annex II.

[7] See resolution 55/2.

[8] See *Report of the World Summit on Sustainable Development, Johannesburg, South Africa, 26 August–4 September 2002* (United Nations publication, Sales No. E.03.II.A.1 and corrigendum), chap. I, resolution 2, annex.

and vessels, in particular through the illegal and accidental discharge of oil and other harmful substances, the loss or release of fishing gear and the illegal or accidental release of hazardous waste such as radioactive materials, nuclear waste and dangerous chemicals,

Expressing deep concern over the adverse economic, social and environmental impacts of the physical alteration and destruction of marine habitats that may result from land-based and coastal development activities, in particular those land reclamation activities that are carried out in a manner that has a detrimental impact on the marine environment,

Reiterating its serious concern over the current and projected adverse effects of climate change on the marine environment and marine biodiversity, and emphasizing the urgency of addressing this issue,

Expressing concern that climate change has increased the severity and incidence of coral bleaching throughout tropical seas over the past two decades and has weakened the ability of reefs to withstand ocean acidification, which could have serious and irreversible negative effects on marine organisms, particularly corals, as well as to withstand other pressures, including overfishing and pollution,

Reiterating its deep concern over the vulnerability of the environment and the fragile ecosystems of the polar regions, including the Arctic Ocean and the Arctic ice cap, particularly affected by the projected adverse effects of climate change,

Encouraging States to continue to contribute to the specific efforts deployed within the framework of the International Polar Year with the goal of enhancing the knowledge of the polar regions by strengthening scientific cooperation,

Recognizing that there is a need for a more integrated approach and to further study and promote measures for enhanced cooperation, coordination and collaboration relating to the conservation and sustainable use of marine biodiversity beyond areas of national jurisdiction,

Recognizing also that the realization of the benefits of the Convention could be enhanced by international cooperation, technical assistance and advanced scientific knowledge, as well as by funding and capacity-building,

Recognizing further that hydrographic surveys and nautical charting are critical to the safety of navigation and life at sea, environmental protection, including the protection of vulnerable marine ecosystems, and the economics of the global shipping industry, and recognizing in this regard that the move towards electronic charting not only provides significantly increased benefits for safe navigation and management of ship movement, but also provides data and information that can be used for sustainable fisheries activities and other sectoral uses of the marine environment, the delimitation of maritime boundaries and environmental protection,

Noting with concern the continuing problem of transnational organized crime committed at sea, including illicit traffic in narcotic drugs and psychotropic substances, the smuggling of migrants and trafficking in persons, and threats to maritime safety and security, including piracy, armed robbery at sea, smuggling and terrorist acts against shipping, offshore installations and other maritime interests, and noting the deplorable loss of life and adverse impact on international trade, energy security and the global economy resulting from such activities,

Noting the importance of the delineation of the outer limits of the continental shelf beyond 200 nautical miles and that it is in the broader interest of the

international community that coastal States with a continental shelf beyond 200 nautical miles submit information on the outer limits of the continental shelf beyond 200 nautical miles to the Commission on the Limits of the Continental Shelf ("the Commission"), noting also in this regard that several States have already made submissions to the Commission and that the Commission has made recommendations for a number of those States, and welcoming the fact that summaries of recommendations have been made publicly available,[9]

Noting also that some States may face particular challenges in relation to preparing submissions to the Commission,

Noting further that financial and technical assistance may be sought by developing countries for activities in relation to preparing submissions to the Commission, including through the voluntary trust fund established by resolution 55/7 of 30 October 2000 for the purpose of facilitating the preparation of submissions to the Commission for developing States, in particular the least developed countries and small island developing States, and compliance with article 76 of the Convention, as well as other accessible international assistance,

Recognizing the important role for developing countries of the trust funds established by resolution 55/7 for the activities of the Commission, and noting with appreciation the recent contributions made to them,

Reaffirming the importance of the work of the Commission for coastal States and the international community as a whole,

Noting the important role of the Commission in assisting States parties in the implementation of Part VI of the Convention, through the examination of information submitted by coastal States regarding the outer limits of the continental shelf beyond 200 nautical miles, and acknowledging in this regard the anticipated workload of the Commission owing to an increasing number of submissions, placing additional demands on its members and on the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs of the Secretariat ("the Division"), and the need to ensure that the Commission can perform its functions under the Convention effectively and maintain its high level of quality and expertise,

Welcoming the decision of the eighteenth Meeting of States Parties to the Convention regarding the workload of the Commission and the ability of States, particularly developing States, to fulfil the requirements of article 4 of annex II to the Convention, as well as the decision contained in SPLOS/72, paragraph (*a*),[10]

Recognizing the importance and the contribution of the work over the past nine years of the Consultative Process established by resolution 54/33 of 24 November 1999 and extended by resolutions 57/141 and 60/30 of 29 November 2005 to facilitate the annual review of developments in ocean affairs by the General Assembly,

Noting the responsibilities of the Secretary-General under the Convention and related resolutions of the General Assembly, in particular resolutions 49/28 of 6 December 1994, 52/26 of 26 November 1997 and 54/33, and in this context the increase in activities of the Division, in particular in view of the growing number of requests to the Division for additional outputs and servicing of meetings, its increasing capacity-building activities, the need for enhanced support and assistance

[9] Available from www.un.org/Depts/los/index.htm.

[10] SPLOS/183.

to the Commission and the role of the Division in inter-agency coordination and cooperation,

Emphasizing that underwater archaeological, cultural and historical heritage, including shipwrecks and watercrafts, holds essential information on the history of humankind and that such heritage is a resource that needs to be protected and preserved,

Reaffirming the importance of the work of the International Seabed Authority ("the Authority") in accordance with the Convention and the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982 ("the Part XI Agreement"),[11]

Reaffirming also the importance of the work of the International Tribunal for the Law of the Sea ("the Tribunal") in accordance with the Convention,

I

Implementation of the Convention and related agreements and instruments

1. *Reaffirms* its annual resolutions on the law of the sea and on oceans and the law of the sea, including resolution 62/215, and other relevant resolutions concerning the Convention;

2. *Also reaffirms* the unified character of the Convention and the vital importance of preserving its integrity;

3. *Calls upon* all States that have not done so, in order to achieve the goal of universal participation, to become parties to the Convention and the Part XI Agreement;

4. *Calls upon* States that have not done so, in order to achieve the goal of universal participation, to become parties to the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks ("the Fish Stocks Agreement");[12]

5. *Calls upon* States to harmonize their national legislation with the provisions of the Convention and, where applicable, relevant agreements and instruments, to ensure the consistent application of those provisions and to ensure also that any declarations or statements that they have made or make when signing, ratifying or acceding to the Convention do not purport to exclude or to modify the legal effect of the provisions of the Convention in their application to the State concerned and to withdraw any such declarations or statements;

6. *Calls upon* States parties to the Convention to deposit with the Secretary-General charts or lists of geographical coordinates, as provided for in the Convention;

7. *Urges* all States to cooperate, directly or through competent international bodies, in taking measures to protect and preserve objects of an archaeological and historical nature found at sea, in conformity with the Convention, and calls upon States to work together on such diverse challenges and opportunities as the

[11] United Nations, *Treaty Series*, vol. 1836, No. 31364.

[12] Ibid., vol. 2167, No. 37924.

appropriate relationship between salvage law and scientific management and conservation of underwater cultural heritage, increasing technological abilities to discover and reach underwater sites, looting and growing underwater tourism,

8. *Notes* the forthcoming entry into force of the 2001 Convention on the Protection of the Underwater Cultural Heritage,[13] and notes in particular the rules annexed thereto, which address the relationship between salvage law and scientific principles of management, conservation and protection of underwater cultural heritage among parties, their nationals and vessels flying their flag;

II

Capacity-building

9. *Calls upon* donor agencies and international financial institutions to keep their programmes systematically under review to ensure the availability in all States, particularly in developing States, of the economic, legal, navigational, scientific and technical skills necessary for the full implementation of the Convention and the objectives of the present resolution, as well as the sustainable development of the oceans and seas nationally, regionally and globally, and in so doing to bear in mind the interests and needs of landlocked developing States;

10. *Encourages* intensified efforts to build capacity for developing countries, in particular for the least developed countries and small island developing States, as well as coastal African States, to improve hydrographic services and the production of nautical charts, including electronic charts, as well as the mobilization of resources and building of capacity with support from international financial institutions and the donor community;

11. *Calls upon* States and international financial institutions, including through bilateral, regional and global cooperation programmes and technical partnerships, to continue to strengthen capacity-building activities, in particular in developing countries, in the field of marine scientific research by, inter alia, training personnel to develop and enhance relevant expertise, providing the necessary equipment, facilities and vessels and transferring environmentally sound technologies;

12. *Also calls upon* States and international financial institutions, including through bilateral, regional and global cooperation programmes and technical partnerships, to strengthen capacity-building activities in developing countries, in particular least developed countries and small island developing States, to develop their maritime administration and appropriate legal frameworks to establish or enhance the necessary infrastructure, legislative and enforcement capabilities to promote effective compliance with, and implementation and enforcement of, their responsibilities under international law;

13. *Recognizes* the importance of the work of the International Maritime Law Institute of the International Maritime Organization as a centre of education and training of Government legal advisers, mainly from developing States, notes that the number of its graduates in more than 102 States confirms its effective capacity-building role in the field of international law, and urges States, intergovernmental

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[13] See United Nations Educational, Scientific and Cultural Organization, *Records of the General Conference, Thirty-first Session, Paris, 15 October–3 November 2001*, vol. 1 and corrigendum: *Resolutions*, resolution 24.

organizations and financial institutions to make voluntary financial contributions to the budget of the Institute;

14. *Welcomes* ongoing activities for capacity-building so as to address maritime security and safety needs and the protection of the marine environment of developing States, and encourages States and international financial institutions to provide additional funding for capacity-building programmes, including for transfer of technology, including through the International Maritime Organization and other competent international organizations;

15. *Recognizes* the considerable need to provide sustained capacity-building assistance, including on financial and technical aspects, by relevant international organizations and donors to developing States, with a view to further strengthening their capacity to take effective measures against the multiple facets of international criminal activities at sea, in line with the relevant international instruments, including the United Nations Convention against Transnational Organized Crime and the Protocols thereto;[14]

16. *Also recognizes* the need to build the capacity of developing States to raise awareness of, and support the implementation of, improved waste management practices, noting the particular vulnerability of small island developing States to the impact of marine pollution from land-based sources and marine debris;

17. *Further recognizes* the importance of assisting developing States, in particular the least developed countries and small island developing States, as well as coastal African States, in implementing the Convention, and urges States, intergovernmental organizations and agencies, national institutions, non-governmental organizations and international financial institutions, as well as natural and juridical persons, to make voluntary financial or other contributions to the trust funds, as referred to in resolution 57/141, established for this purpose;

18. *Encourages* States to use the Criteria and Guidelines on the Transfer of Marine Technology adopted by the Assembly of the Intergovernmental Oceanographic Commission of the United Nations Educational, Scientific and Cultural Organization,[15] and recalls the important role of the secretariat of that Commission in the implementation and promotion of the Criteria and Guidelines;

19. *Calls upon* States to assist developing States, and especially the least developed countries and small island developing States, as well as coastal African States, at the bilateral and, where appropriate, multilateral levels, in the preparation of submissions to the Commission regarding the establishment of the outer limits of the continental shelf beyond 200 nautical miles, including the assessment of the nature and extent of the continental shelf of a coastal State through a desktop study, and the delineation of the outer limits of its continental shelf, as well as in the preparation of preliminary information to be submitted to the Secretary-General in accordance with the decision of the eighteenth Meeting of States Parties to the Convention;

20. *Calls upon* the Division to continue to disseminate information on relevant procedures related to the trust fund established for the purpose of facilitating the preparation of submissions to the Commission and to continue its

[14] United Nations, *Treaty Series*, vols. 2225, 2237, 2241 and 2326, No. 39574.

[15] See Intergovernmental Oceanographic Commission, document IOC/INF-1203.

dialogue with potential beneficiaries with a view to providing financial support to developing countries for activities to facilitate timely submissions to the Commission;

21. *Notes with appreciation* the successful conduct by the Division, in cooperation with States and relevant international organizations and institutions, of further subregional training courses in Trinidad and Tobago from 14 to 18 January 2008 and in Namibia from 15 September to 3 October 2008, the purpose of which was to train technical staff of coastal developing States in the delineation of the outer limits of the continental shelf beyond 200 nautical miles and in the preparation of submissions to the Commission, and requests the Secretary-General, in cooperation with States and relevant international organizations and institutions, to continue to support training activities to assist developing States in the preparation of their submissions to the Commission;

22. *Also notes with appreciation* the development by the Division of a training manual on developing and implementing ecosystem approaches to the management of ocean-related activities and the successful delivery, in cooperation with the United Nations Environment Programme under the TRAIN-SEA-COAST Programme, of the first regional training workshop on "Ecosystem approaches to coastal and ocean management: focus on ecosystem-based management in Eastern Africa", in Mombasa, Kenya, from 27 October to 1 November 2008;

23. *Further notes with appreciation* the regional workshop of the Tribunal, held in Buenos Aires from 26 to 28 May 2008, on the role of the Tribunal in the settlement of disputes relating to the law of the sea;

24. *Invites* Member States and others in a position to do so to support the capacity-building activities of the Division, including, in particular, the training activities to assist developing States in the preparation of their submissions to the Commission, and invites Member States and others in a position to do so to contribute to the trust fund established by the Secretary-General for the Office of Legal Affairs of the Secretariat to support the promotion of international law;

25. *Recognizes* the importance of the Hamilton Shirley Amerasinghe Memorial Fellowship on the Law of the Sea, expresses its serious concern regarding the lack of resources, which is preventing the implementation of the twenty-second and future awards, advises the Secretary-General to continue to finance the Fellowship from resources made available through an appropriate Office of Legal Affairs trust fund, and urges Member States and others in a position to do so to contribute to the further development of the Fellowship;

26. *Takes note with satisfaction* of the ongoing implementation of the United Nations and the Nippon Foundation Fellowship Programme, focusing on human resources development for developing coastal States parties and non-parties to the Convention in the field of ocean affairs and the law of the sea or related disciplines;

III

Meeting of States Parties

27. *Welcomes* the report of the eighteenth Meeting of States Parties to the Convention;

28. *Requests* the Secretary-General to convene the nineteenth Meeting of States Parties in New York, from 22 to 26 June 2009, and to provide the services required;

IV

Peaceful settlement of disputes

29. *Notes with satisfaction* the continued and significant contribution of the Tribunal to the settlement of disputes by peaceful means in accordance with Part XV of the Convention, and underlines the important role and authority of the Tribunal concerning the interpretation or application of the Convention and the Part XI Agreement;

30. *Equally pays tribute* to the important and long-standing role of the International Court of Justice with regard to the peaceful settlement of disputes concerning the law of the sea;

31. *Notes* that States parties to an international agreement related to the purposes of the Convention may submit to, inter alia, the Tribunal or the International Court of Justice any dispute concerning the interpretation or application of that agreement submitted in accordance with that agreement, and notes also the possibility, provided for in the statutes of the Tribunal and the Court, to submit disputes to a chamber;

32. *Encourages* States parties to the Convention that have not yet done so to consider making a written declaration choosing from the means set out in article 287 of the Convention for the settlement of disputes concerning the interpretation or application of the Convention and the Part XI Agreement, bearing in mind the comprehensive character of the dispute settlement mechanism provided for in Part XV of the Convention;

V

The Area

33. *Notes* the progress made by the Authority in its deliberations, encourages the finalization of the regulations for prospecting and exploration for polymetallic sulphides as soon as possible and progress on the regulations for prospecting and exploration for cobalt-rich ferromanganese crusts in the Area, and reiterates the importance of the ongoing elaboration by the Authority, pursuant to article 145 of the Convention, of rules, regulations and procedures to ensure the effective protection of the marine environment, for, inter alia, the protection and conservation of the natural resources of the Area, and for the prevention of damage to the flora and fauna of the marine environment from harmful effects that may arise from activities in the Area;

34. *Also notes* the importance of the responsibilities entrusted to the Authority by articles 143 and 145 of the Convention, which refer to marine scientific research and protection of the marine environment, respectively;

VI

Effective functioning of the Authority and the Tribunal

35. *Appeals* to all States parties to the Convention to pay their assessed contributions to the Authority and to the Tribunal in full and on time, and also appeals to States parties in arrears with their contributions to fulfil their obligations without delay;

36. *Urges* all States parties to the Convention to attend the sessions of the Authority, and calls upon the Authority to continue to pursue all options, including making concrete recommendations on the issue of dates, in order to improve attendance in Kingston and to ensure global participation;

37. *Calls upon* States that have not done so to consider ratifying or acceding to the Agreement on the Privileges and Immunities of the Tribunal[16] and to the Protocol on the Privileges and Immunities of the Authority;[17]

38. *Emphasizes* the importance of the Tribunal's rules and staff regulations promoting the recruitment of a geographically representative staff in the Professional and higher categories, and welcomes the actions taken by the Tribunal in observance of those rules and regulations;

VII

The continental shelf and the work of the Commission

39. *Encourages* States parties to the Convention to make every effort to submit information to the Commission regarding the establishment of the outer limits of the continental shelf beyond 200 nautical miles, in conformity with article 76 of the Convention and article 4 of annex II to the Convention, taking into account the decision of the eleventh Meeting of States Parties to the Convention contained in SPLOS/72, paragraph (*a*);

40. *Recognizes* the decision of the eighteenth Meeting of States Parties to the Convention[18] that it is understood that the time period referred to in article 4 of annex II to the Convention and the decision contained in SPLOS/72, paragraph (*a*), may be satisfied by submitting to the Secretary-General preliminary information indicative of the outer limits of the continental shelf beyond 200 nautical miles and a description of the status of preparation and intended date of submission in accordance with the requirements of article 76 of the Convention and with the rules of procedure[19] and the Scientific and Technical Guidelines of the Commission;[20]

41. *Notes with satisfaction* the progress in the work of the Commission,[21] that it is giving current consideration to a number of submissions that have been made regarding the establishment of the outer limits of the continental shelf beyond 200 nautical miles and that a number of States have advised of their intention to make submissions in the near future;

42. *Takes note* of the recommendations made by the Commission on the submissions of a number of States, and welcomes the fact that summaries of recommendations have been made publicly available;

43. *Notes* that the anticipated heavy workload of the Commission, owing to an increasing number of submissions, places additional demands on its members and the Division, and in that regard emphasizes the need to ensure that the Commission

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[16] United Nations, *Treaty Series*, vol. 2167, No. 37925.

[17] Ibid., vol. 2214, No. 39357.

[18] SPLOS/183, para. 1 (a).

[19] CLCS/40/Rev.1.

[20] CLCS/11 and Corr.1 and Add.1 and Add.1/Corr.1.

[21] CLCS/58 and CLCS/60.

can perform its functions efficiently and effectively and maintain its high level of quality and expertise;

44. *Takes note* of the decision of the seventeenth Meeting of States Parties to the Convention to continue to address, as a matter of priority, issues related to the workload of the Commission, including funding for its members attending the sessions of the Commission and the meetings of the subcommissions;[22]

45. *Calls upon* States whose experts are serving on the Commission to do their utmost to ensure the full participation of those experts in the work of the Commission, including the meetings of subcommissions, in accordance with the Convention;

46. *Requests* the Secretary-General to take appropriate measures, including in the context of the proposed programme budget for the biennium 2010–2011, to further strengthen the capacity of the Division, serving as the secretariat of the Commission, in order to adequately increase the Division's support and assistance to the Commission and its subcommissions, in their consideration of a growing number of submissions, as required by paragraph 9 of annex III to the rules of procedure of the Commission, and taking into account the need for simultaneous work on several submissions;

47. *Urges* the Secretary-General to continue to provide all necessary secretariat services to the Commission in accordance with article 2, paragraph 5, of annex II to the Convention;

48. *Encourages* States to make additional contributions to the voluntary trust fund established by resolution 55/7 for the purpose of facilitating the preparation of submissions to the Commission and to the voluntary trust fund also established by that resolution for the purpose of defraying the cost of participation of the members of the Commission from developing States in the meetings of the Commission;

49. *Approves* the convening by the Secretary-General of the twenty-third and twenty-fourth sessions of the Commission, in New York, from 2 March to 9 April 2009 and from 10 August to 11 September 2009, respectively, on the understanding that the following periods will be used for the technical examination of submissions at the Geographic Information System laboratories and other technical facilities of the Division: 2 to 20 March 2009; 6 to 9 April 2009; 10 to 21 August 2009; and 8 to 11 September 2009;

50. *Expresses its firm conviction* about the importance of the work of the Commission, carried out in accordance with the Convention, including with respect to the participation of coastal States in relevant proceedings concerning their submissions, and recognizes the continued need for active interaction between coastal States and the Commission;

51. *Encourages* States to continue exchanging views in order to increase understanding of issues, including expenditures involved, arising from the application of article 76 of the Convention, thus facilitating the preparation of submissions by States, in particular developing States, to the Commission;

52. *Requests* the Secretary-General, in cooperation with Member States, to continue supporting workshops or symposiums on scientific and technical aspects of the establishment of the outer limits of the continental shelf beyond 200 nautical

[22] See SPLOS/162.

miles, taking into account the need to strengthen capacity-building for developing countries in preparing their submissions;

VIII

Maritime safety and security and flag State implementation

53. *Encourages* States to ratify or accede to international agreements addressing the safety and security of navigation, as well as maritime labour, and to adopt the necessary measures consistent with the Convention and other relevant international instruments aimed at implementing and enforcing the rules contained in those agreements, and emphasizes the need for capacity-building for and assistance to developing States;

54. *Recognizes* that the legal regimes governing maritime security and maritime safety may have common and mutually reinforcing objectives that may be interrelated and could benefit from synergies, and encourages States to take this into account in their implementation;

55. *Emphasizes* that security and safety measures should be implemented with minimal negative effects on seafarers and fishers, especially in relation to their working conditions;

56. *Invites* all States to ratify or accede to the Maritime Labour Convention, 2006, the Work in Fishing Convention, 2007 (No. 188) and the Seafarers' Identity Documents Convention (Revised), 2003 (No. 185) of the International Labour Organization and to effectively implement those Conventions, and emphasizes the need to provide technical cooperation and assistance in that regard;

57. *Emphasizes* the need for further efforts to promote a culture of safety and security in the shipping industry and to address the shortage of adequately trained personnel, notes the importance of the process in the International Maritime Organization to review the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1973,[23] and urges the establishment of more centres to provide the required education and training;

58. *Welcomes* ongoing cooperation among the Food and Agriculture Organization of the United Nations, the International Maritime Organization and the International Labour Organization relating to the safety of fishers and fishing vessels, underlines the urgent need for continued work in that area, and takes note of discussions in the Food and Agriculture Organization of the United Nations on the merit of an international plan of action in this area;

59. *Notes* the holding of the ninth meeting of the Conference of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, and welcomes further cooperation with the International Maritime Organization on regulations on the prevention of pollution from ships;[24]

60. *Recalls* that all actions taken to combat threats to maritime security must be in accordance with international law, including the principles embodied in the Charter and the Convention;

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[23] United Nations, *Treaty Series*, vol. 1361, No. 23001.

[24] See UNEP/CHW.9/39, annex I, decision IX/12.

61. *Recognizes* the crucial role of international cooperation at the global, regional, subregional and bilateral levels in combating, in accordance with international law, threats to maritime security, including piracy, armed robbery at sea, terrorist acts against shipping, offshore installations and other maritime interests, through bilateral and multilateral instruments and mechanisms aimed at monitoring, preventing and responding to such threats, the enhanced sharing of information among States relevant to the detection, prevention and suppression of such threats, and the prosecution of offenders with due regard to national legislation, and the need for sustained capacity-building to support such objectives;

62. *Emphasizes* the importance of prompt reporting of incidents to enable accurate information on the scope of the problem of piracy and armed robbery against ships and, in the case of armed robbery against ships, by affected vessels to the coastal State, underlines the importance of effective information-sharing with States potentially affected by incidents of piracy and armed robbery against ships, and takes note of the important role of the International Maritime Organization;

63. *Calls upon* States to take appropriate steps under their national law to facilitate the apprehension and prosecution of those who are alleged to have committed acts of piracy;

64. *Urges* all States, in cooperation with the International Maritime Organization, to actively combat piracy and armed robbery at sea by adopting measures, including those relating to assistance with capacity-building through training of seafarers, port staff and enforcement personnel in the prevention, reporting and investigation of incidents, bringing the alleged perpetrators to justice, in accordance with international law, and by adopting national legislation, as well as providing enforcement vessels and equipment and guarding against fraudulent ship registration;

65. *Welcomes* the significant decrease in the number of attacks by pirates and armed robbers in the Asian region through increased national, bilateral and trilateral initiatives as well as regional cooperative mechanisms, and calls upon other States to give immediate attention to adopting, concluding and implementing cooperation agreements at the regional level on combating piracy and armed robbery against ships;

66. *Expresses serious concern* regarding the problem of increased instances of piracy and armed robbery at sea off the coast of Somalia, expresses alarm in particular at the recent hijacking of vessels, supports the recent efforts to address this problem at the global and regional levels, notes the adoption by the Security Council of resolutions 1816 (2008) of 2 June 2008 and 1838 (2008) of 7 October 2008 and also notes that the authorization in resolution 1816 (2008) and the provisions in resolution 1838 (2008) apply only to the situation in Somalia and do not affect the rights, obligations or responsibilities of Member States under international law, including any rights or obligations under the Convention, with respect to any other situation, and underscores in particular the fact that they are not to be considered as establishing customary international law;

67. *Notes* the initiatives of the Secretary-General of the International Maritime Organization, following up on resolution A.1002(25) adopted by the Assembly of the International Maritime Organization on 29 November 2007, to engage the international community in efforts to combat acts of piracy and armed robbery against ships sailing the waters off the coast of Somalia;

68. *Urges* States to ensure the full implementation of resolution A.1002(25) on acts of piracy and armed robbery against ships in waters off the coast of Somalia;

69. *Calls upon* States to become parties to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf,[25] invites States to consider becoming parties to the 2005 Protocols amending those instruments,[26] and urges States parties to take appropriate measures to ensure the effective implementation of those instruments through the adoption of legislation, where appropriate;

70. *Also calls upon* States to effectively implement the International Ship and Port Facility Security Code and the amendments to the International Convention for the Safety of Life at Sea,[27] and to work with the International Maritime Organization to promote safe and secure shipping while ensuring freedom of navigation;

71. *Urges* all States, in cooperation with the International Maritime Organization, to improve the protection of offshore installations by adopting measures related to the prevention, reporting and investigation of acts of violence against installations, in accordance with international law, and by implementing such measures through national legislation to ensure proper and adequate enforcement;

72. *Welcomes* the progress in regional cooperation, including the Jakarta, Kuala Lumpur and Singapore Statements on Enhancement of Safety, Security and Environmental Protection in the Straits of Malacca and Singapore, adopted on 8 September 2005,[28] 20 September 2006[29] and 6 September 2007,[30] respectively, especially the formal establishment of the Cooperative Mechanism on safety of navigation and environmental protection to promote dialogue and facilitate close cooperation between the littoral States, user States, shipping industry and other stakeholders in line with article 43 of the Convention, and in implementing the Marine Electronic Highway Demonstration Project for the Straits of Malacca and Singapore,[31] notes with appreciation the important role of the Information Sharing Centre of the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia, based in Singapore, and calls upon States to give immediate attention to adopting, concluding and implementing cooperation agreements at the regional level;

73. *Recognizes* that some transnational organized criminal activities threaten legitimate uses of the oceans and endanger the lives of people at sea;

74. *Notes* that transnational organized criminal activities are diverse and may be interrelated in some cases and that criminal organizations are adaptive and take advantage of the vulnerabilities of States, in particular coastal and small island developing States in transit areas, and calls upon States and relevant

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[25] United Nations, *Treaty Series*, vol. 1678, No. 29004.

[26] International Maritime Organization, documents LEG/CONF.15/21 and 22.

[27] International Maritime Organization, documents SOLAS/CONF.5/32 and 34, as well as resolution MSC.202(81) introducing the long-range identification and tracking of ships system.

[28] A/60/529, annex II.

[29] A/61/584, annex.

[30] A/62/518, annex.

[31] See International Maritime Organization, document IMO/SGP.2.1/1.

intergovernmental organizations to increase cooperation and coordination at all levels to detect and suppress the smuggling of migrants and trafficking in persons, in accordance with international law;

75. *Recognizes* the importance of enhancing international cooperation at all levels to fight transnational organized criminal activities, including illicit traffic in narcotic drugs and psychotropic substances, within the scope of the United Nations instruments against illicit drug trafficking, as well as the smuggling of migrants and trafficking in persons and criminal activities at sea falling within the scope of the United Nations Convention against Transnational Organized Crime;[32]

76. *Calls upon* States that have not yet done so to become parties to the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime,[33] and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime,[34] and to take appropriate measures to ensure their effective implementation;

77. *Calls upon* States to ensure freedom of navigation, the safety of navigation and the rights of transit passage, archipelagic sea lanes passage and innocent passage in accordance with international law, in particular the Convention;

78. *Welcomes* the work of the International Maritime Organization relating to the protection of shipping lanes of strategic importance and significance, and in particular in enhancing safety, security and environmental protection in straits used for international navigation, and calls upon the International Maritime Organization, States bordering straits and user States to continue their cooperation to keep such straits safe, secure and environmentally protected and open to international navigation at all times, consistent with international law, in particular the Convention;

79. *Calls upon* user States and States bordering straits used for international navigation to continue to cooperate by agreement on matters relating to navigational safety, including safety aids for navigation, and the prevention, reduction and control of pollution from ships, and welcomes developments in this regard;

80. *Takes note* of the adoption of the Code of International Standards and Recommended Practices for a Safety Investigation into a Marine Casualty or Marine Incident,[35] which will take effect on 1 January 2010 upon the entry into force of the amendments to regulation XI-1/6 of the International Convention for the Safety of Life at Sea, 1974;[36]

81. *Calls upon* States to consider becoming members of the International Hydrographic Organization, and urges all States to work with that Organization to increase the coverage of hydrographic information on a global basis to enhance capacity-building and technical assistance and to promote safe navigation, especially in areas used for international navigation, in ports and where there are vulnerable or protected marine areas;

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[32] United Nations, *Treaty Series*, vol. 2225, No. 39574.

[33] Ibid., vol. 2241, No. 39574.

[34] Ibid., vol. 2237, No. 39574.

[35] International Maritime Organization, document MSC 84/24/Add.1, annex 1, resolution MSC.255(84).

[36] International Maritime Organization, document MSC 84/24/Add.1, annex 3, resolution MSC.257(84).

82. *Notes* the progress in the implementation of the Action Plan for the Safety of Transport of Radioactive Material, approved by the Board of Governors of the International Atomic Energy Agency in March 2004,[37] and encourages States concerned to continue their efforts in the implementation of all areas of the Action Plan;

83. *Also notes* that cessation of the transport of radioactive materials through the regions of small island developing States is an ultimate desired goal of small island developing States and some other countries, and recognizes the right of freedom of navigation in accordance with international law; that States should maintain dialogue and consultation, in particular under the auspices of the International Atomic Energy Agency and the International Maritime Organization, with the aim of improved mutual understanding, confidence-building and enhanced communication in relation to the safe maritime transport of radioactive materials; that States involved in the transport of such materials are urged to continue to engage in dialogue with small island developing States and other States to address their concerns; and that these concerns include the further development and strengthening, within the appropriate forums, of international regulatory regimes to enhance safety, disclosure, liability, security and compensation in relation to such transport;

84. *Acknowledges*, in the context of paragraph 83 above, the potential environmental and economic impacts of maritime incidents and accidents on coastal States, in particular those related to the transport of radioactive materials, and emphasizes the importance of effective liability regimes in that regard;

85. *Encourages* States to draw up plans and to establish procedures to implement the Guidelines on Places of Refuge for Ships in Need of Assistance;[38]

86. *Invites* States to consider becoming parties to the Nairobi International Convention on the Removal of Wrecks, 2007;[39]

87. *Requests* States to take appropriate measures with regard to ships flying their flag or of their registry to address hazards that may be caused by wrecks and drifting or sunken cargo to navigation or the marine environment;

88. *Calls upon* States to ensure that masters on ships flying their flag take the steps required by relevant instruments[40] to provide assistance to persons in distress at sea, and urges States to cooperate and to take all necessary measures to ensure the effective implementation of the amendments to the International Convention on Maritime Search and Rescue[41] and to the International Convention for the Safety of Life at Sea[42] relating to the delivery of persons rescued at sea to a place of safety, as well as of the associated Guidelines on the Treatment of Persons Rescued at Sea;[43]

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[37] Available from www-ns.iaea.org.

[38] International Maritime Organization, Assembly resolution A.949(23).

[39] International Maritime Organization, document LEG/CONF.16/19.

[40] The International Convention for the Safety of Life at Sea, 1974, the International Convention on Maritime Search and Rescue, 1979, as amended, the United Nations Convention on the Law of the Sea, 1982, and the International Convention on Salvage, 1989.

[41] International Maritime Organization, document MSC 78/26/Add.1, annex 5, resolution MSC.155(78).

[42] International Maritime Organization, document MSC 78/26/Add.1, annex 3, resolution MSC.153(78).

[43] International Maritime Organization, document MSC 78/26/Add.2, annex 34, resolution MSC.167(78).

89. *Recognizes* that all States must fulfil their search and rescue responsibilities and the ongoing need for the International Maritime Organization and other relevant organizations to assist, in particular, developing States both to increase their search and rescue capabilities, including through the establishment of additional rescue coordination centres and regional subcentres, and to take effective action to address, to the extent feasible, the issue of unseaworthy ships and small craft within their national jurisdiction;

90. *Welcomes* the ongoing work of the International Maritime Organization in relation to disembarkation of persons rescued at sea, and notes in this regard the need to implement all relevant international instruments;

91. *Also welcomes* the ongoing cooperation and coordination among members of the inter-agency group on the treatment of persons rescued at sea;

92. *Calls upon* States to continue to cooperate in developing comprehensive approaches to international migration and development, including through dialogue on all their aspects;

93. *Reaffirms* that flag, port and coastal States all bear responsibility for ensuring the effective implementation and enforcement of international instruments relating to maritime security and safety, in accordance with international law, in particular the Convention, and that flag States have primary responsibility that requires further strengthening, including through increased transparency of ownership of vessels;

94. *Urges* flag States without an effective maritime administration and appropriate legal frameworks to establish or enhance the necessary infrastructure, legislative and enforcement capabilities to ensure effective compliance with, and implementation and enforcement of, their responsibilities under international law and, until such action is taken, to consider declining the granting of the right to fly their flag to new vessels, suspending their registry or not opening a registry, and calls upon flag and port States to take all measures consistent with international law necessary to prevent the operation of substandard vessels;

95. *Recognizes* that international shipping rules and standards adopted by the International Maritime Organization in respect of maritime safety, efficiency of navigation and the prevention and control of marine pollution, complemented by best practices of the shipping industry, have led to a significant reduction in maritime accidents and pollution incidents, and encourages all States to participate in the Voluntary International Maritime Organization Member State Audit Scheme;[44]

96. *Also recognizes* that maritime safety can also be improved through effective port State control, the strengthening of regional arrangements and increased coordination and cooperation among them, and increased information-sharing, including among safety and security sectors;

97. *Encourages* flag States to take appropriate measures sufficient to achieve or maintain recognition by intergovernmental arrangements that recognize satisfactory flag State performance, including, as appropriate, satisfactory port State control examination results on a sustained basis, with a view to improving quality shipping and furthering flag State implementation of relevant instruments under the

[44] International Maritime Organization, Assembly resolution A.946(23).

International Maritime Organization as well as relevant goals and objectives of the present resolution;

IX
Marine environment and marine resources

98. *Emphasizes once again* the importance of the implementation of Part XII of the Convention in order to protect and preserve the marine environment and its living marine resources against pollution and physical degradation, and calls upon all States to cooperate and take measures consistent with the Convention, directly or through competent international organizations, for the protection and preservation of the marine environment;

99. *Notes* the work of the Intergovernmental Panel on Climate Change, including its findings on the acidification of oceans, and in this regard encourages States and competent international organizations and other relevant institutions, individually and in cooperation, to urgently pursue further research on ocean acidification, especially programmes of observation and measurement, noting in particular paragraph 4 of decision IX/20 adopted at the ninth meeting of the Conference of the Parties to the Convention on Biological Diversity, held in Bonn, Germany, from 19 to 30 May 2008,[45] and to increase national, regional and international efforts to address levels of ocean acidity and the projected negative impact of such acidity on vulnerable marine ecosystems, particularly coral reefs;

100. *Encourages* States, individually or in collaboration with relevant international organizations and bodies, to enhance their scientific activity to better understand the effects of climate change on the marine environment and marine biodiversity and develop ways and means of adaptation;

101. *Also encourages* States to ratify or accede to international agreements addressing the protection and preservation of the marine environment and its living marine resources against the introduction of harmful aquatic organisms and pathogens and marine pollution from all sources, including the dumping of wastes and other matter, and other forms of physical degradation, as well as agreements that provide for preparedness for, response to and cooperation on pollution incidents and that include provisions on liability and compensation for damage resulting from marine pollution, and to adopt the necessary measures consistent with the Convention aimed at implementing and enforcing the rules contained in those agreements;

102. *Further encourages* States, directly or through competent international organizations, to consider the further development, as appropriate and consistent with the Convention, of environmental impact assessment processes covering planned activities under their jurisdiction or control that may cause substantial pollution of or significant and harmful changes to the marine environment;

103. *Encourages* States to become parties to regional seas conventions addressing the protection and preservation of the marine environment;

104. *Also encourages* States, in accordance with the Convention and other relevant instruments, either bilaterally or regionally, to jointly develop and promote contingency plans for responding to pollution incidents, as well as other incidents that are likely to have significant adverse effects on the marine environment and biodiversity;

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[45] See UNEP/CBD/COP/9/29, annex I.

105. *Welcomes* the World Ocean Conference, to be held in Manado, Indonesia, from 11 to 15 May 2009, as an opportunity to enhance understanding of the link between oceans and climate change and the impact of climate change on marine ecosystems and coastal communities, thus promoting the urgency of mainstreaming climate change-sensitive policies and enhancing adaptation capacity at all levels, especially among developing countries and small island developing States;

106. *Welcomes* the activities of the United Nations Environment Programme relating to marine debris carried out in cooperation with relevant United Nations bodies and organizations, and encourages States to further develop partnerships with industry and civil society to raise awareness of the extent of the impact of marine debris on the health and productivity of the marine environment and consequent economic loss;

107. *Urges* States to integrate the issue of marine debris into national strategies dealing with waste management in the coastal zone, ports and maritime industries, including recycling, reuse, reduction and disposal, and to encourage the development of appropriate economic incentives to address this issue, including the development of cost recovery systems that provide an incentive to use port reception facilities and discourage ships from discharging marine debris at sea, and encourages States to cooperate regionally and subregionally to develop and implement joint prevention and recovery programmes for marine debris;

108. *Encourages* States that have not done so to become parties to the Protocol of 1997 (Annex VI-Regulations for the Prevention of Air Pollution from Ships) to the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto, and furthermore to ratify or accede to the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004,[46] thereby facilitating its early entry into force;

109. *Notes* the ongoing work of the International Maritime Organization in accordance with its resolution on International Maritime Organization policies and practices related to the reduction of greenhouse gas emissions from ships[47] and the workplan to identify and develop the mechanism or mechanisms needed to achieve the limitation or reduction of greenhouse gas emissions from international shipping, and welcomes ongoing efforts of the Organization in that regard;

110. *Urges* States to cooperate in correcting the shortfall in port waste reception facilities in accordance with the action plan to address the inadequacy of port waste reception facilities developed by the International Maritime Organization;

111. *Recognizes* that most of the pollution load of the oceans emanates from land-based activities and affects the most productive areas of the marine environment, and calls upon States as a matter of priority to implement the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities[48] and to take all appropriate measures to fulfil the commitments of the international community embodied in the Beijing Declaration on furthering the implementation of the Global Programme of Action;[49]

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[46] International Maritime Organization, document BWM/CONF/36, annex.

[47] International Maritime Organization, Assembly resolution A.963(23).

[48] See A/51/116, annex II.

[49] UNEP/GPA/IGR.2/7, annex V.

112. *Expresses its concern* regarding the spreading of hypoxic dead zones in oceans as a result of eutrophication fuelled by riverine run-off of fertilizers, sewage outfall and reactive nitrogen resulting from the burning of fossil fuels and resulting in serious consequences for ecosystem functioning, and calls upon States to enhance their efforts to reduce eutrophication and, to this effect, to continue to cooperate within the framework of relevant international organizations, in particular the Global Programme of Action;

113. *Calls upon* all States to ensure that urban and coastal development projects and related land-reclamation activities are carried out in a responsible manner that protects the marine habitat and environment and mitigates the negative consequences of such activities;

114. *Welcomes* the continued work of States, the United Nations Environment Programme and regional organizations in the implementation of the Global Programme of Action, and encourages increased emphasis on the link between freshwater, the coastal zone and marine resources in the implementation of international development goals, including those contained in the United Nations Millennium Declaration, and of the time-bound targets in the Plan of Implementation of the World Summit on Sustainable Development ("Johannesburg Plan of Implementation"),[8] in particular the target on sanitation, and the Monterrey Consensus of the International Conference on Financing for Development;[50]

115. *Also welcomes* the resolution of the thirtieth Consultative Meeting of Contracting Parties to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972 ("the London Convention") and the third Meeting of Contracting Parties to the London Protocol, held from 27 to 31 October 2008, on the regulation of ocean fertilization,[51] in which the Contracting Parties agreed, inter alia, that the scope of the London Convention and Protocol includes ocean fertilization activities and that, given the present state of knowledge, ocean fertilization activities other than for legitimate scientific research should not be allowed, and that scientific research proposals should be assessed on a case-by-case basis using an assessment framework to be developed by the scientific groups under the London Convention and Protocol, and also agreed that, to this end, such other activities should be considered as contrary to the aims of the London Convention and Protocol and should not currently qualify for any exemption from the definition of dumping in article III, paragraph 1(*b*), of the London Convention and article 1, paragraph 4.2, of the London Protocol;

116. *Further welcomes* decision IX/16 C adopted at the ninth meeting of the Conference of the Parties to the Convention on Biological Diversity, in which the Conference of the Parties, inter alia, bearing in mind the ongoing scientific and legal analysis occurring under the auspices of the London Convention and Protocol, requested parties and urged other Governments, in accordance with the precautionary approach, to ensure that ocean fertilization activities were not carried out until there was an adequate scientific basis on which to justify such activities, including an assessment of associated risks, and that a global, transparent and effective control and regulatory mechanism was in place for those activities, with the exception of small-scale scientific research studies within coastal waters, and stated that such studies should be authorized only if justified by the need to gather

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[50] *Report of the International Conference on Financing for Development, Monterrey, Mexico, 18–22 March 2002* (United Nations publication, Sales No. E.02.II.A.7), chap. I, resolution 1, annex.

[51] See International Maritime Organization, document LC 30/16, annex 6, resolution LC-LP.1 (2008).

specific scientific data, should be subject to a thorough prior assessment of the potential impacts of the research studies on the marine environment, should be strictly controlled and should not be used for generating and selling carbon offsets or for any other commercial purposes;

117. *Reaffirms* paragraph 119 of resolution 61/222 of 20 December 2006 regarding ecosystem approaches and oceans, including the proposed elements of an ecosystem approach, means to achieve implementation of an ecosystem approach and requirements for improved application of an ecosystem approach, and in this regard:

(*a*) Notes that continued environmental degradation in many parts of the world and increasing competing demands require an urgent response and the setting of priorities for management actions aimed at conserving ecosystem integrity;

(*b*) Notes that ecosystem approaches to ocean management should be focused on managing human activities in order to maintain and, where needed, restore ecosystem health to sustain goods and environmental services, provide social and economic benefits for food security, sustain livelihoods in support of international development goals, including those contained in the Millennium Declaration, and conserve marine biodiversity;

(*c*) Recalls that States should be guided in the application of ecosystem approaches by a number of existing instruments, in particular the Convention, which sets out the legal framework for all activities in the oceans and seas, and its implementing Agreements, as well as other commitments, such as those contained in the Convention on Biological Diversity[52] and the World Summit on Sustainable Development call for the application of an ecosystem approach by 2010;

(*d*) Encourages States to cooperate and coordinate their efforts and take, individually or jointly, as appropriate, all measures, in conformity with international law, including the Convention and other applicable instruments, to address impacts on marine ecosystems within and beyond areas of national jurisdiction, taking into account the integrity of the ecosystems concerned;

118. *Invites* States, in particular those States with advanced technology and marine capabilities, to explore prospects for improving cooperation with, and assistance to, developing States, in particular least developed countries and small island developing States, as well as coastal African States, with a view to better integrating into national policies and programmes sustainable and effective development in the marine sector;

119. *Encourages* the competent international organizations, the United Nations Development Programme, the World Bank and other funding agencies to consider expanding their programmes within their respective fields of competence for assistance to developing countries and to coordinate their efforts, including in the allocation and application of Global Environment Facility funding;

120. *Welcomes* the study prepared by the Secretariat pursuant to paragraph 88 of resolution 61/222[53] and the information provided in relation to the assistance available to and measures that may be taken by developing States, in particular the least developed countries and small island developing States, as well as coastal

[52] United Nations, *Treaty Series*, vol. 1760, No. 30619.

[53] A/63/342.

African States, to realize the benefits of sustainable and effective development of marine resources and uses of the oceans within the limits of national jurisdiction, takes note of the information provided by States and competent international organizations and global and regional funding agencies, and urges them to provide further information for the annual report of the Secretary-General and for incorporation on the website of the Division;

X

Marine biodiversity

121. *Reaffirms* its role relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction, notes the work of States and relevant complementary intergovernmental organizations and bodies on those issues, including the Convention on Biological Diversity and the Food and Agriculture Organization of the United Nations, and invites them to contribute to its consideration of these issues within the areas of their respective competence;

122. *Notes* the discussion on the relevant legal regime on marine genetic resources in areas beyond national jurisdiction in accordance with the Convention, and calls upon States to further consider this issue in the context of the mandate of the Ad Hoc Open-ended Informal Working Group, with a view to making further progress on this issue;

123. *Recognizes* the abundance and diversity of marine genetic resources and their value in terms of the benefits, goods and services they can provide;

124. *Also recognizes* the importance of research on marine genetic resources for the purpose of enhancing the scientific understanding, potential use and application, and enhanced management of marine ecosystems;

125. *Encourages* States and international organizations, including through bilateral, regional and global cooperation programmes and partnerships, to continue in a sustainable and comprehensive way to support, promote and strengthen capacity-building activities, in particular in developing countries, in the field of marine scientific research, taking into account, in particular, the need to create greater taxonomic capabilities;

126. *Welcomes* the meeting of the Ad Hoc Open-ended Informal Working Group, established by the General Assembly in paragraph 73 of resolution 59/24 of 17 November 2004 to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction, convened in accordance with paragraph 91 of resolution 61/222 and paragraph 105 of resolution 62/215, in New York from 28 April to 2 May 2008;

127. *Takes note* of the joint statement of the Co-Chairpersons of the Ad Hoc Open-ended Informal Working Group, and requests the Secretary-General to convene, in accordance with paragraph 73 of resolution 59/24 and paragraphs 79 and 80 of resolution 60/30, with full conference services, a meeting of the Working Group in 2010 to provide recommendations to the General Assembly;

128. *Requests* the Secretary-General to submit a report to the General Assembly at its sixty-fourth session to assist the Ad Hoc Open-ended Informal Working Group in preparing its agenda, in consultation with all relevant international bodies, and to arrange for the provision of support for the performance of its work by the Division;

129. *Encourages* States to include relevant experts in their delegations attending the meeting of the Ad Hoc Open-ended Informal Working Group;

130. *Recognizes* the importance of making the outcomes of the Ad Hoc Open-ended Informal Working Group widely available;

131. *Notes* the work under the Jakarta Mandate on Marine and Coastal Biological Diversity[54] and the Convention on Biological Diversity elaborated programme of work on marine and coastal biological diversity,[55] as well as the relevant decisions adopted at the ninth meeting of the Conference of the Parties to the Convention on Biological Diversity;[45]

132. *Reaffirms* the need for States, individually or through competent international organizations, to urgently consider ways to integrate and improve, based on the best available scientific information and the precautionary approach and in accordance with the Convention and related agreements and instruments, the management of risks to the marine biodiversity of seamounts, cold water corals, hydrothermal vents and certain other underwater features;

133. *Calls upon* States and international organizations to urgently take further action to address, in accordance with international law, destructive practices that have adverse impacts on marine biodiversity and ecosystems, including seamounts, hydrothermal vents and cold water corals;

134. *Reaffirms* the need for States to continue and intensify their efforts, directly and through competent international organizations, to develop and facilitate the use of diverse approaches and tools for conserving and managing vulnerable marine ecosystems, including the possible establishment of marine protected areas, consistent with international law, as reflected in the Convention, and based on the best scientific information available, and the development of representative networks of any such marine protected areas by 2012;

135. *Notes* the work of States, relevant intergovernmental organizations and bodies, including the Convention on Biological Diversity, in the assessment of scientific information on, and compilation of ecological criteria for the identification of, marine areas that require protection, in light of the objective of the World Summit on Sustainable Development to develop and facilitate the use of diverse approaches and tools, such as the establishment of marine protected areas consistent with international law as reflected in the Convention and based on scientific information, including representative networks by 2012, and notes with satisfaction that the Conference of the Parties to the Convention on Biological Diversity at its ninth meeting adopted scientific criteria for identifying ecologically or biologically significant marine areas in need of protection in open-ocean waters and deep-sea habitats and the scientific guidance for selecting areas to establish representative networks of marine protected areas, including in open-ocean waters and deep-sea habitats, and took note of the four initial steps to be considered in the development of representative networks of marine protected areas;[56]

136. *Acknowledges* the Micronesia Challenge, the Eastern Tropical Pacific Seascape project, the Caribbean Challenge and the Coral Triangle Initiative, which in particular seek to create and link domestic marine protected areas to better

[54] See A/51/312, annex II, decision II/10.

[55] UNEP/CBD/COP/7/21, annex, decision VII/5, annex I.

[56] UNEP/CBD/COP/9/29, annex I, decision IX/20, annexes I and II.

facilitate ecosystem approaches, and reaffirms the need for further international cooperation in support of such initiatives;

137. *Reiterates its support* for the International Coral Reef Initiative, takes note of the eleventh International Coral Reef Symposium and the International Coral Reef Initiative General Meeting, held respectively from 7 to 11 July and on 12 and 13 July 2008 in Fort Lauderdale, United States of America, supports the work under the Jakarta Mandate on Marine and Coastal Biological Diversity and the elaborated programme of work on marine and coastal biological diversity related to coral reefs, and notes that the International Coral Reef Initiative is sponsoring the International Year of the Reef 2008;

138. *Encourages* States and relevant international institutions to improve efforts to address coral bleaching by, inter alia, improving monitoring to predict and identify bleaching events, supporting and strengthening action taken during such events and improving strategies to manage reefs to support their natural resilience and enhance their ability to withstand other pressures, including projected ocean acidification;

139. *Encourages* States to cooperate, directly or through competent international bodies, in exchanging information in the event of accidents involving vessels on coral reefs and in promoting the development of economic assessment techniques for both restoration and non-use values of coral reef systems;

140. *Emphasizes* the need to mainstream sustainable coral reef management and integrated watershed management into national development strategies, as well as into the activities of relevant United Nations agencies and programmes, international financial institutions and the donor community;

141. *Encourages* further studies and consideration of the impacts of ocean noise on marine living resources, and requests the Division to continue to compile the peer-reviewed scientific studies it receives from Member States pursuant to paragraph 107 of resolution 61/222 and, as appropriate, to make them, or references and links to them, available on its website;

XI

Marine science

142. *Calls upon* States, individually or in collaboration with each other or with relevant international organizations and bodies, to improve understanding and knowledge of the oceans and the deep sea, including, in particular, the extent and vulnerability of deep sea biodiversity and ecosystems, by increasing their marine scientific research activities in accordance with the Convention;

143. *Notes* the contribution of the Census of Marine Life to marine biodiversity research, and encourages participation in the initiative;

144. *Welcomes* the adoption by the Intergovernmental Oceanographic Commission of the United Nations Educational, Scientific and Cultural Organization of the guidelines for the implementation of resolution XX-6 of the Assembly of the Oceanographic Commission regarding the deployment of profiling floats in the high seas in the framework of the Argo Programme,[57] and encourages

[57] Resolution EC-XLI.4 of the Executive Council of the Intergovernmental Oceanographic Commission.

the Advisory Body of Experts on the Law of the Sea of the Oceanographic Commission to continue its work on the legal framework, within the context of the Convention, which is applicable to the collection of oceanographic data by other specific means;

145. *Notes* the preparation by the Division of a revision of *Marine Scientific Research: A guide to the implementation of the relevant provisions of the United Nations Convention on the Law of the Sea*,[58] with the assistance of a group of experts to be convened in early 2009, and encourages States to support this endeavour;

146. *Stresses* the importance of increasing the scientific understanding of the oceans/atmosphere interface, including through participation in ocean observing programmes and geographic information systems, such as the Global Ocean Observing System, a programme of the Intergovernmental Oceanographic Commission, particularly considering their role in monitoring and forecasting climate change and variability and in the establishment and operation of tsunami warning systems;

147. *Takes note with appreciation* of the progress made by the Intergovernmental Oceanographic Commission and Member States towards the establishment of regional and national tsunami warning and mitigation systems, welcomes the continued collaboration of the United Nations and other intergovernmental organizations in this effort, and encourages Member States to establish and sustain their national warning and mitigation systems, within a global, ocean-related multi-hazard approach, as necessary, to reduce loss of life and damage to national economies and strengthen the resilience of coastal communities to natural disasters;

148. *Notes* the outcome of the ad hoc intergovernmental and multi-stakeholder meeting on an intergovernmental science-policy platform on biodiversity and ecosystem services, held under the auspices of the United Nations Environment Programme in Putrajaya, Malaysia, from 10 to 12 November 2008;[59]

XII

Regular process for global reporting and assessment of the state of the marine environment, including socio-economic aspects

149. *Reiterates* the need to strengthen the regular scientific assessment of the state of the marine environment in order to enhance the scientific basis for policymaking;

150. *Recalls* that the Ad Hoc Steering Group was established by resolution 60/30 to oversee the execution of the "assessment of assessments" launched as a preparatory stage towards the establishment of the regular process for global reporting and assessment of the state of the marine environment, including socio-economic aspects;

151. *Notes with appreciation* the work carried out so far and progress made in the "assessment of assessments" by the Group of Experts established pursuant to

[58] United Nations publication, Sales No. E.91.V.3.

[59] See UNEP/IPBES/1/6.

resolution 60/30[60] and the support of the United Nations Environment Programme and the Intergovernmental Oceanographic Commission, the lead agencies of the "assessment of assessments", in providing secretariat services to the Ad Hoc Steering Group and the Group of Experts;

152. *Takes note* of the report of the third meeting of the Ad Hoc Steering Group for the "assessment of assessments", held in New York on 19 and 20 June 2008;[61]

153. *Also takes note* of the "assessment of assessments" progress report, endorsed by the Ad Hoc Steering Group and submitted by the United Nations Environment Programme and the Intergovernmental Oceanographic Commission to Member States, which provided the basis for an open-ended midterm review of the work and progress made so far in order to give all States Members of the United Nations an opportunity to comment on and contribute to the development of the ongoing work carried out under the "assessment of assessments" in accordance with paragraph 93 (*c*) of resolution 60/30;

154. *Urges* Member States and other interested parties to contribute financially to the "assessment of assessments" in order to enable its completion within the specified period, as indicated in the revised budget endorsed by the Ad Hoc Steering Group;

155. *Urges* all members of the Ad Hoc Steering Group to participate in the review of the completed "assessment of assessments" report and the summary for decision makers at the meeting of the Steering Group in 2009 and to interact, as appropriate, with the Group of Experts in its deliberations, bearing in mind their respective mandates;

156. *Recalls* that the report on the results of the "assessment of assessments" to be transmitted by the United Nations Environment Programme and the Intergovernmental Oceanographic Commission on behalf of the Ad Hoc Steering Group in accordance with paragraph 94 (*d*) of resolution 60/30 should be focused on the aims and expected outcomes identified in the conclusions of the second International Workshop on the regular process for global reporting and assessment of the state of the marine environment, including socio-economic aspects,[62] and paragraph 6 of the decision adopted by the Ad Hoc Steering Group at its first meeting[63] in order to facilitate the successful completion of the "assessment of assessments" phase;

157. *Decides* to establish an ad hoc working group of the whole to recommend a course of action to the General Assembly at its sixty-fourth session based on the outcomes of the fourth meeting of the Ad Hoc Steering Group, and requests the Secretary-General to convene its informal meeting for one week not later than September 2009;

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[60] See GRAME/GOE/3/2 and GRAME/GOE/4/1.

[61] See GRAME/AHSG/3/2.

[62] A/60/91, annex.

[63] A/61/GRAME/AHSG/1, annex II.

XIII

Regional cooperation

158. *Notes* that there have been a number of initiatives at the regional level, in various regions, to further the implementation of the Convention, takes note in that context of the Caribbean-focused Assistance Fund, which is intended to facilitate, mainly through technical assistance, the voluntary undertaking of maritime delimitation negotiations between Caribbean States, takes note once again of the Fund for Peace: Peaceful Settlement of Territorial Disputes, established by the General Assembly of the Organization of American States in 2000 as a primary mechanism, given its broader regional scope, for the prevention and resolution of pending territorial, land border and maritime boundary disputes, and calls upon States and others in a position to do so to contribute to these funds;

XIV

Open-ended informal consultative process on oceans and the law of the sea

159. *Welcomes* the report on the work of the Consultative Process at its ninth meeting, focused on the topic of maritime security and safety;

160. *Also welcomes* the work of the Consultative Process over the past nine years and the contribution of the Consultative Process to improving coordination and cooperation between States and strengthening the annual debate of the General Assembly on oceans and the law of the sea, further welcomes the attempts to improve and focus the work of the Consultative Process, and decides to continue the Consultative Process for the next two years, in accordance with resolution 54/33, with a further review of its effectiveness and utility by the Assembly at its sixty-fifth session;

161. *Recalls* the need to strengthen and improve the efficiency of the Consultative Process, and encourages States, intergovernmental organizations and programmes to provide guidance to the co-chairpersons to this effect, particularly before and during the preparatory meeting for the Consultative Process, and decides in this regard that the eleventh meeting of the Consultative Process shall be based on the decisions taken by the General Assembly at its sixty-fourth session, following the review of the Consultative Process at its tenth meeting;

162. *Requests* the Secretary-General to convene, in accordance with paragraphs 2 and 3 of resolution 54/33, the tenth meeting of the Consultative Process in New York from 17 to 19 June 2009, to provide it with the necessary facilities for the performance of its work and to arrange for support to be provided by the Division, in cooperation with other relevant parts of the Secretariat, as appropriate;

163. *Expresses its serious concern* regarding the lack of resources available in the voluntary trust fund established by resolution 55/7 for the purpose of assisting developing countries, in particular least developed countries, small island developing States and landlocked developing States, in attending the meetings of the Consultative Process, and urges States to make additional contributions to the trust fund;

164. *Decides* that those representatives from developing countries who are invited by the co-chairpersons, in consultation with Governments, to make presentations during the meetings of the Consultative Process shall receive priority

consideration in the disbursement of funds from the voluntary trust fund established by resolution 55/7 in order to cover the costs of their travel, and shall also be eligible to receive daily subsistence allowance subject to the availability of funds after the travel costs of all other eligible representatives from those countries mentioned in paragraph 163 above have been covered;

165. *Also decides* that, in its deliberations on the report of the Secretary-General on oceans and the law of the sea, the Consultative Process at its tenth meeting will focus its discussions on the implementation of the outcomes of the Consultative Process, including a review of its achievements and shortcomings in its first nine meetings, and the topic for its eleventh meeting will be decided at the sixty-fourth session of the General Assembly;

XV

Coordination and cooperation

166. *Encourages* States to work closely with and through international organizations, funds and programmes, as well as the specialized agencies of the United Nations system and relevant international conventions, to identify emerging areas of focus for improved coordination and cooperation and how best to address these issues;

167. *Requests* the Secretary-General to bring the present resolution to the attention of heads of intergovernmental organizations, the specialized agencies, funds and programmes of the United Nations engaged in activities relating to ocean affairs and the law of the sea, as well as funding institutions, and underlines the importance of their constructive and timely input for the report of the Secretary-General on oceans and the law of the sea and of their participation in relevant meetings and processes;

168. *Welcomes* the work done by the secretariats of relevant United Nations specialized agencies, programmes, funds and bodies and the secretariats of related organizations and conventions to enhance inter-agency coordination and cooperation on ocean issues, including through UN-Oceans, the inter-agency coordination mechanism on ocean and coastal issues within the United Nations system;

169. *Encourages* continued updates to Member States by UN-Oceans regarding its priorities and initiatives, in particular with respect to the proposed participation in UN-Oceans;

XVI

Activities of the Division for Ocean Affairs and the Law of the Sea

170. *Expresses its appreciation* to the Secretary-General for the annual comprehensive report on oceans and the law of the sea, prepared by the Division, as well as for the other activities of the Division, which reflect the high standard of assistance provided to Member States by the Division;

171. *Resolves* that, as from 2009, the United Nations will designate 8 June as World Oceans Day;

172. *Requests* the Secretary-General to continue to carry out the responsibilities and functions entrusted to him in the Convention and by the related resolutions of the General Assembly, including resolutions 49/28 and 52/26, and to

ensure the allocation of appropriate resources to the Division for the performance of its activities under the approved budget for the Organization;

XVII

Sixty-fourth session of the General Assembly

173. *Requests* the Secretary-General to prepare a comprehensive report, in its current extensive format and in accordance with established practice, for the consideration of the General Assembly at its sixty-fourth session, on developments and issues relating to ocean affairs and the law of the sea, including the implementation of the present resolution, in accordance with resolutions 49/28, 52/26 and 54/33, and to make the section of the report related to the topic that is the focus of the tenth meeting of the Consultative Process available at least six weeks in advance of the meeting of the Consultative Process;

174. *Emphasizes* the critical role of the annual comprehensive report of the Secretary-General, which integrates information on developments relating to the implementation of the Convention and the work of the Organization, its specialized agencies and other institutions in the field of ocean affairs and the law of the sea at the global and regional levels, and as a result constitutes the basis for the annual consideration and review of developments relating to ocean affairs and the law of the sea by the General Assembly as the global institution having the competence to undertake such a review;

175. *Notes* that the report referred to in paragraph 173 above will also be submitted to States parties pursuant to article 319 of the Convention regarding issues of a general nature that have arisen with respect to the Convention;

176. *Also notes* the desire to further improve the efficiency of, and effective participation of delegations in, the informal consultations concerning the annual General Assembly resolution on oceans and the law of the sea and the resolution on sustainable fisheries, and decides to limit the period of the informal consultations on both resolutions to a maximum of four weeks in total and to ensure that the consultations are scheduled in such a way as to avoid overlap with the period during which the Sixth Committee is meeting and that the Division has sufficient time to produce the report referred to in paragraph 173 above, and invites States to submit text proposals for inclusion in the resolutions to the coordinators of the informal consultations at the earliest possible date;

177. *Decides* to include in the provisional agenda of its sixty-fourth session the item entitled "Oceans and the law of the sea".

64th plenary meeting
5 December 2008

General Assembly

Distr.: General
24 February 2009

Sixty-third session
Agenda item 70 (*b*)

Resolution adopted by the General Assembly

[*without reference to a Main Committee (A/63/L.43 and Add.1)*]

63/112. Sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments

The General Assembly,

Reaffirming its resolutions 46/215 of 20 December 1991, 49/116 of 19 December 1994, and 50/24 and 50/25 of 5 December 1995, as well as its resolutions 56/13 of 28 November 2001, 58/14 of 24 November 2003, 59/25 of 17 November 2004, 60/31 of 29 November 2005, 61/105 of 8 December 2006 and 62/177 of 18 December 2007, and other relevant resolutions,

Recalling the relevant provisions of the United Nations Convention on the Law of the Sea ("the Convention"),[1] and bearing in mind the relationship between the Convention and the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks ("the Agreement"),[2]

Recognizing that, in accordance with the Convention, the Agreement sets forth provisions concerning the conservation and management of straddling fish stocks and highly migratory fish stocks, including provisions on compliance and enforcement by the flag State and subregional and regional cooperation in enforcement, binding dispute settlement and the rights and obligations of States in authorizing the use of vessels flying their flags for fishing on the high seas, and specific provisions to address the requirements of developing States in relation to the conservation and management of straddling fish stocks and highly migratory fish stocks and the development of fisheries for such stocks,

Welcoming the fact that a growing number of States, and entities referred to in the Convention and in article 1, paragraph 2 (*b*), of the Agreement, as well as

[1] United Nations, *Treaty Series*, vol. 1833, No. 31363.

[2] Ibid., vol. 2167, No. 37924.

subregional and regional fisheries management organizations and arrangements, have taken measures, as appropriate, towards the implementation of the provisions of the Agreement,

Welcoming also the recent ratifications of and accessions to the Agreement,

Welcoming further the work of the Food and Agriculture Organization of the United Nations and its Committee on Fisheries and the 2005 Rome Declaration on Illegal, Unreported and Unregulated Fishing, adopted by the Ministerial Meeting on Fisheries of the Food and Agriculture Organization of the United Nations on 12 March 2005,[3] which calls for effective implementation of the various instruments already developed to ensure responsible fisheries, and recognizing that the Code of Conduct for Responsible Fisheries of the Food and Agriculture Organization of the United Nations ("the Code")[4] and its associated international plans of action set out principles and global standards of behaviour for responsible practices for conservation of fisheries resources and the management and development of fisheries,

Noting with concern that effective management of marine capture fisheries has been made difficult in some areas by unreliable information and data caused by unreported and misreported fish catch and fishing effort and that this lack of accurate data contributes to overfishing in some areas,

Recognizing the significant contribution of sustainable fisheries to food security, income, wealth and poverty alleviation for present and future generations,

Recognizing also the urgent need for action at all levels to ensure the long-term sustainable use and management of fisheries resources through the wide application of the precautionary approach,

Expressing concern over the current and projected adverse effects of climate change on food security and the sustainability of fisheries, and noting in that regard the work of the Intergovernmental Panel on Climate Change, the Food and Agriculture Organization of the United Nations and the United Nations Environment Programme, including the findings that climate change is likely to have substantial impacts on commercial and artisanal fisheries and food security,

Noting the convening by the Food and Agriculture Organization of the United Nations of the Expert Workshop on Climate Change Implications for Fisheries and Aquaculture, in Rome from 7 to 9 April 2008,

Deploring the fact that fish stocks, including straddling fish stocks and highly migratory fish stocks, in many parts of the world are overfished or subject to sparsely regulated and heavy fishing efforts, as a result of, inter alia, illegal, unreported and unregulated fishing, inadequate flag State control and enforcement, including monitoring, control and surveillance measures, inadequate regulatory measures, harmful fisheries subsidies and overcapacity, and noting the report of the Food and Agriculture Organization of the United Nations, *The State of World Fisheries and Aquaculture 2006*,[5]

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[3] Food and Agriculture Organization of the United Nations, *Outcome of the Ministerial Meeting on Fisheries, Rome, 12 March 2005* (CL 128/INF/11), appendix B.

[4] *International Fisheries Instruments with Index* (United Nations publication, Sales No. E.98.V.11), sect. III.

[5] Available from www.fao.org/corp/publications/en.

Noting the joint study by the World Bank and the Food and Agriculture Organization of the United Nations, *The Sunken Billions: The Economic Justification for Fisheries Reform*, and taking note of its conclusions, including that sustainable fisheries and reform of the global fisheries sector could generate additional economic growth and alternative livelihoods, and that reforms would need to include a reduction in fishing effort and fishing capacity,

Noting also the limited information available on measures taken by States to implement, individually and through regional fisheries management organizations and arrangements, the International Plan of Action for the Management of Fishing Capacity adopted by the Food and Agriculture Organization of the United Nations,[6]

Particularly concerned that illegal, unreported and unregulated fishing constitutes a serious threat to fish stocks and marine habitats and ecosystems, to the detriment of sustainable fisheries as well as the food security and the economies of many States, particularly developing States,

Concerned that some operators increasingly take advantage of the globalization of fishery markets to trade fishery products stemming from illegal, unreported and unregulated fishing and make economic profits from those operations, which constitutes an incentive for them to pursue their activities,

Recognizing that effective deterrence and combating of illegal, unreported and unregulated fishing has significant financial and other resource implications,

Recognizing also that illegal, unreported and unregulated fishing may give rise to safety and security concerns for individuals on vessels engaged in such activities,

Welcoming cooperation between the Food and Agriculture Organization of the United Nations and the International Maritime Organization, in particular in assisting States and regional fisheries management organizations and arrangements to combat illegal, unreported and unregulated fishing activities,

Recognizing the duty provided in the Convention, the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas ("the Compliance Agreement"),[7] the Agreement and the Code for flag States to exercise effective control over fishing vessels flying their flag, and vessels flying their flag which provide support to fishing vessels, to ensure that the activities of such fishing and support vessels do not undermine the effectiveness of conservation and management measures taken in accordance with international law and adopted at the national, subregional, regional or global levels,

Recalling paragraphs 65 and 66 of its resolution 62/177, and noting in this regard the convening by the Food and Agriculture Organization of the United Nations of the Expert Consultation on the Development of a Comprehensive Global Record of Fishing Vessels, in Rome from 25 to 28 February 2008, and the findings of the Expert Consultation regarding the development of a comprehensive global record,[8]

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[6] Available from www.fao.org/fishery/publications/en.

[7] United Nations, *Treaty Series*, vol. 2221, No. 39486.

[8] See *Food and Agriculture Organization of the United Nations, Report of the Expert Consultation on the Development of a Comprehensive Global Record of Fishing Vessels, Rome, 25–28 February 2008*, FAO Fisheries Report No. 865 (FIIT/R865 (En)).

Noting the obligation of all States, in accordance with international law, as reflected in the relevant provisions of the Convention, to cooperate in the conservation and management of living marine resources, and recognizing the importance of coordination and cooperation at the global, regional, subregional as well as national levels in the areas, inter alia, of data collection, information-sharing, capacity-building and training for the conservation, management and sustainable development of marine living resources,

Welcoming recent developments regarding recommended best practices for regional fisheries management organizations and arrangements that may help to strengthen their governance and promote their improved performance,

Calling attention to the need for States, individually and through regional fisheries management organizations and arrangements, to continue to develop and implement effective port State measures and schemes to combat overfishing and illegal, unreported and unregulated fishing, and the critical need for cooperation with developing States to build their capacity in this regard, taking note of the work of the Food and Agriculture Organization of the United Nations to develop a legally binding instrument on minimum standards for port State measures,

Noting that the Commission for the Conservation of Antarctic Marine Living Resources, the General Fisheries Commission for the Mediterranean, the North East Atlantic Fisheries Commission and the Northwest Atlantic Fisheries Organization have adopted port State measures, to be applied by their members, which include prohibition of entry and use of port services, including landing and trans-shipment, to vessels identified by those regional fisheries management organizations as engaged in illegal, unreported and unregulated fishing activities, and that those measures prevent and deter such activities,

Concerned that marine pollution from all sources, including vessels and, in particular, land-based sources, constitutes a serious threat to human health and safety, endangers fish stocks, marine biodiversity and marine and coastal habitats and has significant costs to local and national economies,

Recognizing that marine debris is a global transboundary pollution problem and that, due to the many different types and sources of marine debris, different approaches to their prevention and removal are necessary,

Noting that the contribution of sustainable aquaculture to global fish supplies continues to respond to opportunities in developing countries to enhance local food security and poverty alleviation and, together with the efforts of other aquaculture producing countries, will make a significant contribution to meeting future demands in fish consumption, bearing in mind article 9 of the Code, and therefore welcoming the adoption in 2007 of the Strategy and Outline Plan for Improving Information on Status and Trends of Aquaculture by the Food and Agriculture Organization of the United Nations[9] to improve knowledge and understanding of the status and trends of aquaculture,

Calling attention to the circumstances affecting fisheries in many developing States, in particular African States and small island developing States, and recognizing the urgent need for capacity-building, including the transfer of marine

[9] Food and Agriculture Organization of the United Nations, *Decisions and Recommendations of the Third Session of the Sub-Committee on Aquaculture, Twenty-seventh Session of the Committee on Fisheries, Rome, 5–9 March 2007* (COFI/2007/5), appendix.

technology and in particular fisheries-related technology, to enhance the ability of such States to meet their obligations and exercise their rights under international instruments, in order to realize the benefits from fisheries resources,

Recognizing the need for appropriate measures to minimize by-catch, waste, discards, including high-grading, loss of fishing gear and other factors, which adversely affect fish stocks and may also have undesirable effects on the economies and food security of small island developing States, other developing coastal States, and subsistence fishing communities,

Recognizing also the need to further integrate ecosystem approaches into fisheries conservation and management and, more generally, the importance of applying ecosystem approaches to the management of human activities in the ocean, and noting in this regard the Reykjavik Declaration on Responsible Fisheries in the Marine Ecosystem,[10] the work of the Food and Agriculture Organization of the United Nations related to guidelines for the implementation of the ecosystem approach to fisheries management and the importance of this approach to relevant provisions of the Agreement and the Code, as well as decision VII/11[11] and other relevant decisions of the Conference of the Parties to the Convention on Biological Diversity,

Recognizing further the economic and cultural importance of sharks in many countries, the biological importance of sharks in the marine ecosystem as key predatory species, the vulnerability of certain shark species to overexploitation, the fact that some are threatened with extinction, the need for measures to promote the long-term conservation, management and sustainable use of shark populations and fisheries, and the relevance of the International Plan of Action for the Conservation and Management of Sharks, adopted by the Food and Agriculture Organization of the United Nations in 1999,[6] in providing guidance on the development of such measures,

Reaffirming its support for the initiative of the Food and Agriculture Organization of the United Nations and relevant subregional and regional fisheries management organizations and arrangements on the conservation and management of sharks, while noting with concern that basic data on shark stocks and harvests continue to be lacking, that only a small number of countries have implemented the International Plan of Action for the Conservation and Management of Sharks, and that not all regional fisheries management organizations and arrangements have adopted conservation and management measures for directed shark fisheries,

Expressing concern that the practice of large-scale pelagic drift-net fishing remains a threat to marine living resources, and emphasizing that efforts should be made to ensure that the implementation of resolution 46/215 in some parts of the world does not result in the transfer to other parts of the world of drift nets that contravene the resolution,

Expressing concern also over reports of continued losses of seabirds, particularly albatrosses and petrels, as well as other marine species, including sharks, fin-fish species and marine turtles, as a result of incidental mortality in fishing operations, particularly longline fishing, and other activities, while recognizing considerable efforts to reduce by-catch in longline fishing by States and through various regional fisheries management organizations and arrangements,

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[10] E/CN.17/2002/PC.2/3, annex.

[11] See UNEP/CBD/COP/7/21, annex.

Taking note with appreciation of the report of the Secretary-General,[12] in particular its useful role in gathering and disseminating information on practices relating to the sustainable development of the world's living marine resources,

I
Achieving sustainable fisheries

1. *Reaffirms* the importance it attaches to the long-term conservation, management and sustainable use of the marine living resources of the world's oceans and seas and the obligations of States to cooperate to this end, in accordance with international law, as reflected in the relevant provisions of the Convention,[1] in particular the provisions on cooperation set out in Part V and Part VII, section 2, of the Convention, and where applicable, the Agreement;[2]

2. *Encourages* States to give due priority to the implementation of the Plan of Implementation of the World Summit on Sustainable Development ("Johannesburg Plan of Implementation"),[13] in relation to achieving sustainable fisheries;

3. *Urges* States, either directly or through appropriate subregional, regional or global organizations or arrangements, to intensify efforts to assess and address, as appropriate, the impacts of global climate change on the sustainability of fish stocks and the habitats that support them;

4. *Emphasizes* the obligations of flag States to discharge their responsibilities, in accordance with the Convention and the Agreement, to ensure compliance by vessels flying their flag with the conservation and management measures adopted and in force with respect to fisheries resources on the high seas;

5. *Calls upon* all States that have not done so, in order to achieve the goal of universal participation, to become parties to the Convention, which sets out the legal framework within which all activities in the oceans and seas must be carried out, taking into account the relationship between the Convention and the Agreement;

6. *Calls upon* all States, directly or through regional fisheries management organizations and arrangements, to apply widely, in accordance with international law and the Code,[4] the precautionary approach and an ecosystem approach to the conservation, management and exploitation of fish stocks, including straddling fish stocks, highly migratory fish stocks and discrete high seas fish stocks, and also calls upon States parties to the Agreement to implement fully the provisions of article 6 of the Agreement as a matter of priority;

7. *Encourages* States to increase their reliance on scientific advice in developing, adopting and implementing conservation and management measures, and to increase their efforts to promote science for conservation and management measures that apply, in accordance with international law, the precautionary approach and an ecosystem approach to fisheries management, enhancing understanding of ecosystem approaches, in order to ensure the long-term conservation and sustainable use of marine living resources, and in this regard encourages the implementation of the Strategy for Improving Information on Status

[12] A/63/128.

[13] *Report of the World Summit on Sustainable Development, Johannesburg, South Africa, 26 August–4 September 2002* (United Nations publication, Sales No. E.03.II.A.1 and corrigendum), chap. I, resolution 2, annex.

and Trends of Capture Fisheries of the Food and Agriculture Organization of the United Nations[14] as a framework for the improvement and understanding of fishery status and trends;

8. *Calls upon* all States, directly or through regional fisheries management organizations and arrangements, to apply stock-specific precautionary reference points, as described in Annex II to the Agreement and in the Code, to ensure that populations of harvested stocks, in particular straddling fish stocks, highly migratory fish stocks and discrete high seas fish stocks, and, where necessary, associated or dependent species, are maintained at, or restored to, sustainable levels, and to use these reference points for triggering conservation and management action;

9. *Encourages* States to apply the precautionary approach and an ecosystem approach in adopting and implementing conservation and management measures addressing, inter alia, by-catch, pollution, overfishing, and protecting habitats of specific concern, taking into account existing guidelines developed by the Food and Agriculture Organization of the United Nations;

10. *Also encourages* the ongoing development of observer programmes by regional fisheries management organizations and arrangements to improve data collection on, inter alia, target and by-catch species, which could also assist monitoring, control and surveillance tools, and encourages States, both individually and collectively, where appropriate, to develop, fully implement, and, where necessary, continue to improve robust observer programmes, taking into account standards for such programmes developed by some regional fisheries management organizations and arrangements and the forms of cooperation with developing States as set out in article 25 of the Agreement and article 5 of the Code;

11. *Calls upon* States and regional fisheries management organizations and arrangements to collect and, where appropriate, report to the Food and Agriculture Organization of the United Nations required catch and effort data, and fishery-related information, in a complete, accurate and timely way, including for straddling fish stocks and highly migratory fish stocks within and beyond areas under national jurisdiction, discrete high seas fish stocks, and by-catch and discards; and, where they do not exist, to establish processes to strengthen data collection and reporting by members of regional fisheries management organizations and arrangements, including through regular reviews of member compliance with such obligations, and, when such obligations are not met, require the member concerned to rectify the problem, including through the preparation of plans of action with timelines;

12. *Invites* States and regional fisheries management organizations and arrangements to cooperate with the Food and Agriculture Organization of the United Nations in the implementation and further development of the Fisheries Resources Monitoring System initiative;

13. *Reaffirms* paragraph 10 of resolution 61/105, and calls upon States, including through regional fisheries management organizations or arrangements, to urgently adopt measures to fully implement the International Plan of Action for the Conservation and Management of Sharks[6] for directed and non-directed shark fisheries, based on the best available scientific information, through, inter alia,

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[14] Food and Agriculture Organization of the United Nations, *Report of the twenty-fifth session of the Committee on Fisheries, Rome, 24–28 February 2003*, FAO Fisheries Report No. 702 (FIPL/R702 (En)), appendix H.

limits on catch or fishing effort, by requiring that vessels flying their flag collect and regularly report data on shark catches, including species-specific data, discards and landings, undertaking, including through international cooperation, comprehensive stock assessments of sharks, reducing shark by-catch and by-catch mortality, and, where scientific information is uncertain or inadequate, not increasing fishing effort in directed shark fisheries until measures have been established to ensure the long-term conservation, management and sustainable use of shark stocks and to prevent further declines of vulnerable or threatened shark stocks;

14. *Calls upon* States to take immediate and concerted action to improve the implementation of and compliance with existing regional fisheries management organization or arrangement and national measures that regulate shark fisheries, in particular those measures which prohibit or restrict fisheries conducted solely for the purpose of harvesting shark fins, and, where necessary, to consider taking other measures, as appropriate, such as requiring that all sharks be landed with each fin naturally attached;

15. *Requests* the Food and Agriculture Organization of the United Nations to prepare a report containing a comprehensive analysis of the implementation of the International Plan of Action for the Conservation and Management of Sharks, as well as progress in implementing paragraph 11 of General Assembly resolution 62/177, for presentation to the Committee on Fisheries at its twenty-eighth session, in 2009;

16. *Urges* States to eliminate barriers to trade in fish and fisheries products which are not consistent with their rights and obligations under the World Trade Organization agreements, taking into account the importance of the trade in fish and fisheries products, particularly for developing countries;

17. *Urges* States and relevant international and national organizations to provide for the participation of small-scale fishery stakeholders in related policy development and fisheries management strategies in order to achieve long-term sustainability for such fisheries, consistent with the duty to ensure the proper conservation and management of fisheries resources;

II

Implementation of the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks

18. *Calls upon* all States, and entities referred to in the Convention and in article 1, paragraph 2 (*b*), of the Agreement, that have not done so to ratify or accede to the Agreement and in the interim to consider applying it provisionally;

19. *Calls upon* States parties to the Agreement to harmonize, as a matter of priority, their national legislation with the provisions of the Agreement, and to ensure that the provisions of the Agreement are effectively implemented into regional fisheries management organizations and arrangements of which they are a member;

20. *Emphasizes* the importance of those provisions of the Agreement relating to bilateral, subregional and regional cooperation in enforcement, and urges continued efforts in this regard;

21. *Calls upon* all States to ensure that their vessels comply with the conservation and management measures that have been adopted by subregional and regional fisheries management organizations and arrangements in accordance with relevant provisions of the Convention and of the Agreement;

22. *Urges* States parties to the Agreement, in accordance with article 21, paragraph 4, thereof to inform, either directly or through the relevant subregional or regional fisheries management organization or arrangement, all States whose vessels fish on the high seas in the same subregion or region of the form of identification issued by those States parties to officials duly authorized to carry out boarding and inspection functions in accordance with articles 21 and 22 of the Agreement;

23. *Also urges* States parties to the Agreement, in accordance with article 21, paragraph 4 thereof, to designate an appropriate authority to receive notifications pursuant to article 21 and to give due publicity to such designation through the relevant subregional or regional fisheries management organization or arrangement;

24. *Invites* regional fisheries management organizations and arrangements which have not yet done so to adopt procedures for high seas boarding and inspection that are consistent with articles 21 and 22 of the Agreement;

25. *Calls upon* States, individually and, as appropriate, through subregional and regional fisheries management organizations and arrangements with competence over discrete high seas fish stocks, to adopt the necessary measures to ensure the long-term conservation, management and sustainable use of such stocks in accordance with the Convention and consistent with the Code and the general principles set forth in the Agreement;

26. *Invites* States to assist developing States in enhancing their participation in regional fisheries management organizations or arrangements, including by facilitating access to fisheries for straddling fish stocks and highly migratory fish stocks, in accordance with article 25, paragraph 1 (*b*), of the Agreement, taking into account the need to ensure that such access benefits the developing States concerned and their nationals;

27. *Invites* States and international financial institutions and organizations of the United Nations system to provide assistance according to Part VII of the Agreement, including, if appropriate, the development of special financial mechanisms or instruments to assist developing States, in particular the least developed among them and small island developing States, to enable them to develop their national capacity to exploit fishery resources, including developing their domestically flagged fishing fleet, value-added processing and the expansion of their economic base in the fishing industry, consistent with the duty to ensure the proper conservation and management of fisheries resources;

28. *Encourages* States, intergovernmental organizations, international financial institutions, national institutions and non-governmental organizations, as well as natural and juridical persons, to make voluntary financial contributions to the Assistance Fund established under Part VII of the Agreement;

29. *Notes with satisfaction* that the Food and Agriculture Organization of the United Nations and the Division for Ocean Affairs and the Law of the Sea of the

Office of Legal Affairs of the Secretariat have taken measures to publicize the availability of assistance through the Assistance Fund;

30. *Encourages* accelerated progress by States, individually and, as appropriate, through subregional and regional fisheries management organizations and arrangements, in the implementation of the recommendations of the Review Conference on the Agreement, held in New York from 22 to 26 May 2006,[15] and the identification of emerging priorities;

31. *Recalls* paragraph 16 of resolution 59/25, and requests the Secretary-General to resume the Review Conference, convened pursuant to article 36 of the Agreement, in New York for one week in the first part of 2010, with a view to assessing the effectiveness of the Agreement in securing the conservation and management of straddling fish stocks and highly migratory fish stocks, and to render the necessary assistance and provide such services as may be required for the resumption of the Review Conference;

32. *Requests* the Secretary-General to submit to the resumed Review Conference an updated comprehensive report, prepared in cooperation with the Food and Agriculture Organization of the United Nations, to assist the Conference in discharging its mandate under article 36, paragraph 2, of the Agreement;

33. *Recalls* paragraph 6 of resolution 56/13, and requests the Secretary-General to convene in 2009, in accordance with past practice, an eighth round of informal consultations of States parties to the Agreement for a duration of at least four days, to consider, inter alia, promoting a wider participation in the Agreement through a continuing dialogue, in particular with developing States, and initial preparatory work for the resumption of the Review Conference, and to make any appropriate recommendations to the General Assembly;

34. *Requests* the Secretary-General to invite States, and entities referred to in the Convention and in article 1, paragraph 2 (*b*), of the Agreement, not parties to the Agreement, as well as the United Nations Development Programme, the Food and Agriculture Organization of the United Nations and other specialized agencies, the Commission on Sustainable Development, the World Bank, the Global Environment Facility and other relevant international financial institutions, subregional and regional fisheries management organizations and arrangements, other fisheries bodies, other relevant intergovernmental bodies and relevant non-governmental organizations, in accordance with past practice, to attend the eighth round of informal consultations of States parties to the Agreement as observers;

35. *Reaffirms its request* that the Food and Agriculture Organization of the United Nations initiate arrangements with States for the collection and dissemination of data on fishing in the high seas by vessels flying their flag at the subregional and regional levels where no such arrangements exist;

36. *Also reaffirms its request* that the Food and Agriculture Organization of the United Nations revise its global fisheries statistics database to provide information on straddling fish stocks, highly migratory fish stocks and discrete high seas fish stocks on the basis of where the catch is taken;

[15] See A/CONF.210/2006/15.

III

Related fisheries instruments

37. *Emphasizes* the importance of the effective implementation of the provisions of the Compliance Agreement,[7] and urges continued efforts in this regard;

38. *Calls upon* all States and other entities referred to in article X, paragraph 1, of the Compliance Agreement that have not yet become parties to that Agreement to do so as a matter of priority and, in the interim, to consider applying it provisionally;

39. *Urges* States and subregional and regional fisheries management organizations and arrangements to implement and promote the application of the Code within their areas of competence;

40. *Urges* States to develop and implement, as a matter of priority, national and, as appropriate, regional plans of action to put into effect the international plans of action of the Food and Agriculture Organization of the United Nations;

41. *Welcomes* the adoption by the Technical Consultation, convened by the Food and Agriculture Organization of the United Nations, in Rome from 25 to 29 August 2008, of the International Guidelines for the Management of Deep-sea Fisheries in the High Seas,[16] as requested in paragraph 89 of resolution 61/105, which include standards and criteria for use by States and regional fisheries management organizations or arrangements in identifying vulnerable marine ecosystems in areas beyond national jurisdiction and the impacts of fishing on such ecosystems and in establishing standards for the management of deep sea fisheries in order to facilitate the adoption and the implementation of conservation and management measures pursuant to paragraphs 83 and 86 of resolution 61/105, and calls upon States and regional fisheries management organizations or arrangements, as appropriate, to implement those Guidelines;

IV

Illegal, unreported and unregulated fishing

42. *Emphasizes once again its serious concern* that illegal, unreported and unregulated fishing remains one of the greatest threats to marine ecosystems and continues to have serious and major implications for the conservation and management of ocean resources, and renews its call upon States to comply fully with all existing obligations and to combat such fishing and urgently to take all necessary steps to implement the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing of the Food and Agriculture Organization of the United Nations;[6]

43. *Urges* States to exercise effective control over their nationals, including beneficial owners, and vessels flying their flag, in order to prevent and deter them from engaging in illegal, unreported and unregulated fishing activities or supporting vessels engaging in illegal, unreported and unregulated fishing activities, including

[16] Food and Agriculture Organization of the United Nations, *Report of the Technical Consultation on International Guidelines for the Management of Deep-sea Fisheries in the High Seas, Rome, 4–8 February and 25–29 August 2008*, FAO Fisheries and Aquaculture Report No. 881 (FIEP/R881 (Tri)), appendix F.

those vessels listed by regional fisheries management organizations or arrangements as engaged in those activities, and to facilitate mutual assistance to ensure that such actions can be investigated and proper sanctions imposed;

44. *Also urges* States to take effective measures, at the national, regional and global levels, to deter the activities, including illegal, unreported and unregulated fishing, of any vessel which undermines conservation and management measures that have been adopted by subregional and regional fisheries management organizations and arrangements in accordance with international law;

45. *Calls upon* States not to permit vessels flying their flag to engage in fishing on the high seas or in areas under the national jurisdiction of other States, unless duly authorized by the authorities of the States concerned and in accordance with the conditions set out in the authorization, and to take specific measures, including deterring the reflagging of vessels by their nationals, in accordance with the relevant provisions of the Convention, the Agreement and the Compliance Agreement, to control fishing operations by vessels flying their flag;

46. *Recalls* its resolution 62/177, in which it invited the Food and Agriculture Organization of the United Nations, as requested by the Committee on Fisheries at its twenty-seventh session, to further consider the possibility of convening an expert consultation to develop criteria for assessing the performance of flag States,[17] encourages the Food and Agriculture Organization of the United Nations to convene such an expert consultation as early as possible in 2009 and also to consider the possibility of further work on this issue, and calls upon States to support this important initiative, noting the preparatory work conducted by an expert workshop on flag State responsibilities, held in Vancouver, Canada, from 25 to 28 March 2008;

47. *Urges* States, individually and collectively through regional fisheries management organizations and arrangements, to develop appropriate processes to assess the performance of States with respect to implementing the obligations regarding fishing vessels flying their flag set out in relevant international instruments;

48. *Reaffirms* the need to strengthen, where necessary, the international legal framework for intergovernmental cooperation, in particular at the subregional and regional levels, in the management of fish stocks and in combating illegal, unreported and unregulated fishing, in a manner consistent with international law, and for States and entities referred to in the Convention and in article 1, paragraph 2 (*b*), of the Agreement to collaborate in efforts to address these types of fishing activities;

49. *Encourages* regional fisheries management organizations and arrangements to further coordinate measures for combating illegal, unreported and unregulated fishing activities, such as through the development of a common list of vessels identified as engaged in illegal, unreported and unregulated fishing or the mutual recognition of the illegal, unreported and unregulated vessel lists established by each organization or arrangement;

50. *Reaffirms its call upon* States to take all necessary measures consistent with international law, without prejudice to a State's sovereignty over ports in its territory and to reasons of force majeure or distress, including the prohibition of

[17] See Food and Agriculture Organization of the United Nations, *Report of the twenty-seventh session of the Committee on Fisheries, Rome, 5–9 March 2007*, FAO Fisheries Report No. 830 (FIEL/R830 (En)).

vessels from accessing their ports followed by a report to the flag State concerned, when there is clear evidence that they are or have been engaged in or have supported illegal, unreported and unregulated fishing, or when they refuse to give information either on the origin of the catch or on the authorization under which the catch has been made;

51. *Urges* enhanced action consistent with international law, including cooperation and coordination, to eliminate illegal, unreported and unregulated fishing by vessels flying "flags of convenience", to require that a "genuine link" be established between States and fishing vessels flying their flags, and to clarify the role of the "genuine link" in relation to the duty of States to exercise effective control over such vessels, and calls upon States to implement the 2005 Rome Declaration on Illegal, Unreported and Unregulated Fishing[3] as a matter of priority;

52. *Recognizes* the need for enhanced port State measures to combat illegal, unreported and unregulated fishing, and urges States to cooperate, in particular at the regional level and through subregional and regional fisheries management organizations and arrangements, to adopt all necessary port measures, consistent with international law taking into account article 23 of the Agreement, particularly those identified in the Model Scheme on Port State Measures to Combat Illegal, Unreported and Unregulated Fishing, adopted by the Food and Agriculture Organization of the United Nations in 2005, and to promote the development and application of minimum standards at the regional level;

53. *Welcomes* the intergovernmental Technical Consultation, held by the Food and Agriculture Organization of the United Nations in Rome from 23 to 27 June 2008 to develop a legally binding instrument on minimum standards for port State measures, based on the Model Scheme on Port State Measures to Combat Illegal, Unreported and Unregulated Fishing and the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, and encourages all relevant States to participate in the resumed session of the Technical Consultation, to be held in Rome from 26 to 30 January 2009, with a view to presenting the finalized text of the instrument to the Committee on Fisheries at its twenty-eighth session, in 2009;

54. *Encourages* strengthened collaboration between the Food and Agriculture Organization of the United Nations and the International Maritime Organization, taking into account the respective competencies, mandates and experience of the two organizations, to combat illegal, unreported and unregulated fishing, particularly in improving the implementation of flag State responsibilities and port State measures;

55. *Encourages* States, with respect to vessels flying their flag, and port States, to make every effort to share data on landings and catch quotas, and in this regard encourages regional fisheries management organizations or arrangements to consider developing open databases containing such data for the purpose of enhancing the effectiveness of fisheries management;

56. *Calls upon* States to take all necessary measures to ensure that vessels flying their flag do not engage in trans-shipment of fish caught by fishing vessels engaged in illegal, unreported and unregulated fishing;

57. *Urges* States, individually and through regional fisheries management organizations and arrangements, to adopt and implement internationally agreed market-related measures in accordance with international law, including principles, rights and obligations established in World Trade Organization agreements, as called

for in the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing;

58. *Welcomes* the adoption of the Technical Guidelines for Responsible Fish Trade by the Sub-Committee on Fish Trade of the Committee on Fisheries of the Food and Agriculture Organization of the United Nations at its eleventh session, held in Bremen, Germany, from 2 to 6 June 2008, notes the discussion in the Sub-Committee on Fish Trade regarding emerging market- and trade-related measures, and encourages information-sharing by States and other relevant actors in this regard with appropriate international and regional forums, consistent with the established plan of work of the Committee on Fisheries and given the potential implications of these measures for all States;

59. *Notes* the concerns about possible connections between international organized crime and illegal fishing in certain regions of the world, and encourages States, including through the appropriate international forums and organizations, to study the causes and methods of and contributing factors to illegal fishing to increase knowledge and understanding of those possible connections, and to make the findings publicly available, bearing in mind the distinct legal regimes and remedies under international law applicable to illegal fishing and international organized crime;

V

Monitoring, control and surveillance and compliance and enforcement

60. *Calls upon* States, in accordance with international law, to strengthen implementation of or, where they do not exist, adopt comprehensive monitoring, control and surveillance measures and compliance and enforcement schemes individually and within those regional fisheries management organizations or arrangements in which they participate, in order to provide an appropriate framework for promoting compliance with agreed conservation and management measures, and further urges enhanced coordination among all relevant States and regional fisheries management organizations and arrangements in these efforts;

61. *Encourages* further work by competent international organizations, including the Food and Agriculture Organization of the United Nations and subregional and regional fisheries management organizations and arrangements, to develop guidelines on flag State control of fishing vessels;

62. *Urges* States, individually and through relevant regional fisheries management organizations and arrangements, to establish mandatory vessel monitoring, control and surveillance systems, in particular to require that vessel monitoring systems be carried by all vessels fishing on the high seas as soon as practicable, and in the case of large-scale fishing vessels no later than December 2008, and to share information on fisheries enforcement matters;

63. *Calls upon* States, individually and through regional fisheries management organizations or arrangements, to strengthen or establish, consistent with national and international law, positive or negative lists of vessels fishing within the areas covered by relevant regional fisheries management organizations and arrangements in order to verify compliance with conservation and management measures and identify products from illegal, unreported and unregulated catches, and encourages improved coordination among all parties and regional fisheries management organizations and arrangements in sharing and using this information,

taking into account the forms of cooperation with developing States as set out in article 25 of the Agreement;

64. *Requests* States and relevant international bodies to develop, in accordance with international law, more effective measures to trace fish and fishery products to enable importing States to identify fish or fishery products caught in a manner that undermines international conservation and management measures agreed in accordance with international law, taking into account the special requirements of developing States and the forms of cooperation with developing States as set out in article 25 of the Agreement, and at the same time to recognize the importance of market access, in accordance with provisions 11.2.4, 11.2.5 and 11.2.6 of the Code, for fish and fishery products caught in a manner that is in conformity with such international measures;

65. *Requests* States to take the necessary measures, consistent with international law, to help to prevent fish and fishery products caught in a manner that undermines applicable conservation and management measures adopted in accordance with international law from entering international trade;

66. *Encourages* States to establish and undertake cooperative surveillance and enforcement activities in accordance with international law to strengthen and enhance efforts to ensure compliance with conservation and management measures, and prevent and deter illegal, unreported and unregulated fishing;

67. *Urges* States, individually and through regional fisheries management organizations or arrangements, to develop and adopt effective monitoring, control and surveillance measures for trans-shipment, as appropriate, in particular at-sea trans-shipment, in order to, inter alia, monitor compliance, collect and verify fisheries data, and to prevent and suppress illegal, unreported and unregulated fishing activities, in accordance with international law; and, in parallel, to encourage and support the Food and Agriculture Organization of the United Nations in studying the current practices of trans-shipment as it relates to fishing operations for straddling fish stocks and highly migratory fish stocks and produce a set of guidelines for this purpose;

68. *Expresses its appreciation* for financial contributions from States to improve the capacity of the existing voluntary International Monitoring, Control and Surveillance Network for Fisheries-Related Activities, and encourages States to join and actively participate in the Network and to consider supporting, when appropriate, its transformation in accordance with international law into an international unit with dedicated resources to further assist Network members, taking into account the forms of cooperation with developing States as set out in article 25 of the Agreement;

VI

Fishing overcapacity

69. *Calls upon* States to commit themselves to urgently reducing the capacity of the world's fishing fleets to levels commensurate with the sustainability of fish stocks, through the establishment of target levels and plans or other appropriate mechanisms for ongoing capacity assessment, while avoiding the transfer of fishing capacity to other fisheries or areas in a manner that undermines the sustainable management of fish stocks, including, inter alia, those areas where fish stocks are overexploited or in a depleted condition, and recognizing in this context the legitimate rights of developing States to develop their fisheries for straddling fish

stocks and highly migratory fish stocks consistent with article 25 of the Agreement, article 5 of the Code, and paragraph 10 of the International Plan of Action for the Management of Fishing Capacity;[6]

70. *Also calls upon* States, individually and through regional fisheries management organizations and arrangements, to ensure that the urgent actions required in the International Plan of Action for the Management of Fishing Capacity are undertaken expeditiously and that its implementation is facilitated without delay;

71. *Requests* the Food and Agriculture Organization of the United Nations to report on the state of progress in the implementation of the International Plan of Action for the Management of Fishing Capacity, as provided for in paragraph 48 of the Plan of Action;

72. *Encourages* those States which are cooperating to establish subregional and regional fisheries management organizations and arrangements, taking into account the best scientific information available as well as the precautionary approach, to exercise voluntary restraint of fishing effort levels in those areas that will come under the regulation of the future organizations and arrangements until adequate regional conservation and management measures are adopted and implemented, taking into account the need to ensure the long-term conservation, management and sustainable use of the relevant fish stocks and to prevent significant adverse impacts on vulnerable marine ecosystems;

73. *Urges* States to eliminate subsidies that contribute to illegal, unreported and unregulated fishing and to overfishing and overcapacity, while completing the efforts undertaken at the World Trade Organization in accordance with the Doha Declaration[18] to clarify and improve its disciplines on fisheries subsidies, taking into account the importance of this sector, including small-scale and artisanal fisheries and aquaculture, to developing countries;

VII

Large-scale pelagic drift-net fishing

74. *Reaffirms* the importance it attaches to continued compliance with its resolution 46/215 and other subsequent resolutions on large-scale pelagic drift-net fishing, and urges States and entities referred to in the Convention and in article 1, paragraph 2 (*b*), of the Agreement to enforce fully the measures recommended in those resolutions in order to eliminate the use of large-scale pelagic drift nets;

VIII

Fisheries by-catch and discards

75. *Urges* States, subregional and regional fisheries management organizations and arrangements and other relevant international organizations that have not done so to take action, including with consideration of the interests of developing coastal States and, as appropriate, subsistence fishing communities, to reduce or eliminate by-catch, catch by lost or abandoned gear, fish discards and post-harvest losses, including juvenile fish, consistent with international law and

[18] A/C.2/56/7, annex.

relevant international instruments, including the Code, and in particular to consider measures including, as appropriate, technical measures related to fish size, mesh size or gear, discards, closed seasons and areas and zones reserved for selected fisheries, particularly artisanal fisheries, the establishment of mechanisms for communicating information on areas of high concentration of juvenile fish, taking into account the importance of ensuring the confidentiality of such information, and support for studies and research that will reduce or eliminate by-catch of juvenile fish, and to ensure that these measures are implemented so as to optimize their effectiveness;

76. *Encourages* States to consider the development of standards for reducing or eliminating discards, such as through the development of an international plan of action, at the twenty-eighth session of the Committee on Fisheries of the Food and Agriculture Organization of the United Nations;

77. *Encourages* States and entities referred to in the Convention and in article 1, paragraph 2 (*b*), of the Agreement to give due consideration to participation, as appropriate, in subregional and regional instruments and organizations with mandates to conserve non-target species taken incidentally in fishing operations;

78. *Encourages* States to strengthen, if necessary, the capacity of those subregional and regional fisheries management organizations and arrangements in which they participate to ensure the adequate conservation of non-target species taken incidentally in fishing operations, taking into consideration best practices for non-target species management, and to expedite their ongoing efforts in this regard;

79. *Requests* States and regional fisheries management organizations and arrangements to urgently implement, as appropriate, the measures recommended in the Guidelines to Reduce Sea Turtle Mortality in Fishing Operations[19] and the International Plan of Action for Reducing Incidental Catch of Seabirds in Longline Fisheries of the Food and Agriculture Organization of the United Nations[6] in order to prevent the decline of sea turtles and seabird populations by minimizing by-catch and increasing post-release survival in their fisheries, including through research and development of gear and bait alternatives, promoting the use of available by-catch mitigation technology, and establishing and strengthening data-collection programmes to obtain standardized information to develop reliable estimates of the by-catch of these species;

IX

Subregional and regional cooperation

80. *Urges* coastal States and States fishing on the high seas, in accordance with the Convention, the Agreement and other relevant instruments, to pursue cooperation in relation to straddling fish stocks and highly migratory fish stocks, either directly or through appropriate subregional or regional fisheries management organizations or arrangements, to ensure the effective conservation and management of such stocks;

[19] Food and Agriculture Organization of the United Nations, *Report of the Technical Consultation on Sea Turtles Conservation and Fisheries, Bangkok, 29 November–2 December 2004*, FAO Fisheries Report No. 765 (FIRM/R765 (En)), appendix E.

81. *Urges* States fishing for straddling fish stocks and highly migratory fish stocks on the high seas, and relevant coastal States, where a subregional or regional fisheries management organization or arrangement has the competence to establish conservation and management measures for such stocks, to give effect to their duty to cooperate by becoming members of such an organization or participants in such an arrangement, or by agreeing to apply the conservation and management measures established by such an organization or arrangement, or to otherwise ensure that no vessel flying their flag is authorized to access the fisheries resources to which regional fisheries management organizations and arrangements or conservation and management measures established by such organizations or arrangements apply;

82. *Invites*, in this regard, subregional and regional fisheries management organizations and arrangements to ensure that all States having a real interest in the fisheries concerned may become members of such organizations or participants in such arrangements, in accordance with the Convention, the Agreement and the Code;

83. *Encourages* relevant coastal States and States fishing on the high seas for a straddling fish stock or a highly migratory fish stock, where there is no subregional or regional fisheries management organization or arrangement to establish conservation and management measures for such stocks, to cooperate to establish such an organization or enter into another appropriate arrangement to ensure the conservation and management of such stocks, and to participate in the work of the organization or arrangement;

84. *Urges* all signatory States and other States whose vessels fish within the area of the Convention on the Conservation and Management of Fishery Resources in the South-East Atlantic Ocean[20] for fishery resources covered by that Convention to become parties to that Convention as a matter of priority and, in the interim, to ensure that vessels flying their flags fully comply with the measures adopted;

85. *Encourages* signatory States and States having a real interest to become parties to the South Indian Ocean Fisheries Agreement, and urges those States to agree on and implement interim measures, including measures in accordance with resolution 61/105, to ensure the conservation and management of the fisheries resources and their marine ecosystems and habitats in the area to which that Agreement applies until such time as that Agreement enters into force;

86. *Takes note* of recent efforts at the regional level to promote responsible fishing practices, including combating illegal, unreported and unregulated fishing;

87. *Notes with satisfaction* the progress of negotiations to establish subregional and regional fisheries management organizations or arrangements in several fisheries, in particular in the North-West Pacific and the South Pacific, encourages States having a real interest to participate in such negotiations, urges participants to expedite those negotiations and to apply provisions of the Convention and the Agreement to their work, and encourages those participants to implement fully the voluntary interim conservation and management measures adopted in accordance with resolution 61/105;

88. *Takes note* of the ongoing efforts of the members of the Indian Ocean Tuna Commission to strengthen the functioning of the Commission so that it can more effectively discharge its mandate, and requests the Food and Agriculture

[20] United Nations, *Treaty Series*, vol. 2221, No. 39489.

Organization of the United Nations to continue to provide members of the Commission with the necessary assistance to this end;

89. *Urges* further efforts by regional fisheries management organizations and arrangements, as a matter of priority, in accordance with international law, to strengthen and modernize their mandates and the measures adopted by such organizations or arrangements, and to implement modern approaches to fisheries management, as reflected in the Agreement and other relevant international instruments, relying on the best scientific information available and application of the precautionary approach and incorporating an ecosystem approach to fisheries management and biodiversity considerations, where these aspects are lacking, to ensure that they effectively contribute to long-term conservation and management and sustainable use of marine living resources;

90. *Calls upon* regional fisheries management organizations with the competence to conserve and manage highly migratory fish stocks that have not yet adopted effective conservation and management measures in line with the best scientific information available to conserve and manage stocks falling under their mandate to do so urgently;

91. *Urges* States to strengthen and enhance cooperation among existing and developing regional fisheries management organizations and arrangements in which they participate, including increased communication and further coordination of measures, such as through the holding of joint consultations, and to strengthen integration, coordination and cooperation by such regional fisheries management organizations and arrangements with other relevant fisheries organizations, regional seas arrangements and other relevant international organizations;

92. *Welcomes* the meeting to be held in 2009 of the members, cooperating members and non-members of the five tuna regional fisheries management organizations to review progress and discuss ways to expedite the implementation of, and build upon, the agreed Course of Actions adopted in Kobe, Japan, in January 2007;

93. *Urges* regional fisheries management organizations and arrangements to improve transparency and to ensure that their decision-making processes are fair and transparent, rely on the best scientific information available, incorporate the precautionary approach and ecosystem approaches, address participatory rights, including through, inter alia, the development of transparent criteria for allocating fishing opportunities which reflects, where appropriate, the relevant provisions of the Agreement, taking due account, inter alia, of the status of the relevant stocks and the respective interests in the fishery;

94. *Welcomes* the progress made by some regional fisheries management organizations and arrangements to initiate performance reviews, and the fact that the Commission for the Conservation of Southern Bluefin Tuna, the International Commission for the Conservation of Atlantic Tunas and the North East Atlantic Fisheries Commission, as well as the Commission for the Conservation of Antarctic Marine Living Resources, have completed performance reviews, and urges States, through their participation in regional fisheries management organizations and arrangements that have not done so, to undertake, on an urgent basis, performance reviews of those regional fisheries management organizations and arrangements, initiated either by the organization or arrangement itself or with external partners, including in cooperation with the Food and Agriculture Organization of the United Nations, using transparent criteria based on the provisions of the Agreement and other relevant instruments, and taking into account the best practices of regional

fisheries management organizations or arrangements and, as appropriate, any set of criteria developed by States or other regional fisheries management organizations or arrangements, and encourages that such performance reviews include some element of independent evaluation and propose means for improving the functioning of the regional fisheries management organization or arrangement, as appropriate;

95. *Encourages* regional fisheries management organizations and arrangements to make the results of those performance reviews publicly available and to discuss the results jointly;

96. *Urges* States to cooperate, taking into account those performance reviews, to develop best practice guidelines for regional fisheries management organizations and arrangements and to apply, to the extent possible, those guidelines to organizations and arrangements in which they participate;

97. *Encourages* the development of regional guidelines for States to use in establishing sanctions for non-compliance by vessels flying their flag and by their nationals, to be applied in accordance with national law, that are adequate in severity for effectively securing compliance, deterring further violations and depriving offenders of the benefits deriving from their illegal activities, as well as in evaluating their systems of sanctions to ensure that they are effective in securing compliance and deterring violations;

X

Responsible fisheries in the marine ecosystem

98. *Encourages* States to apply by 2010 the ecosystem approach, in accordance with paragraph 30 (*d*) of the Johannesburg Plan of Implementation;

99. *Also encourages* States, individually or through regional fisheries management organizations and arrangements and other relevant international organizations, to work to ensure that fisheries and other ecosystem data collection is performed in a coordinated and integrated manner, facilitating incorporation into global observation initiatives, where appropriate;

100. *Further encourages* States to increase scientific research in accordance with international law on the marine ecosystem;

101. *Calls upon* States, the Food and Agriculture Organization of the United Nations and other specialized agencies, subregional and regional fisheries management organizations and arrangements, where appropriate, and other appropriate intergovernmental bodies, to cooperate in achieving sustainable aquaculture, including through information exchange, developing equivalent standards on such issues as aquatic animal health and human health and safety concerns, assessing the potential positive and negative impacts of aquaculture, including socio-economics, on the marine and coastal environment, including biodiversity, and adopting relevant methods and techniques to minimize and mitigate adverse effects, and in this regard encourages the implementation of the Strategy and Outline Plan for Improving Information on Status and Trends of Aquaculture of the Food and Agriculture Organization of the United Nations,[9] as a framework for the improvement and understanding of aquaculture status and trends;

102. *Calls upon* States to take action immediately, individually and through regional fisheries management organizations and arrangements, and consistent with the precautionary approach and ecosystem approaches, and urges the implementation of the International Guidelines for the Management of Deep-sea

Fisheries in the High Seas of the Food and Agriculture Organization of the United Nations in order to sustainably manage fish stocks and protect vulnerable marine ecosystems, including seamounts, hydrothermal vents and cold water corals, from destructive fishing practices, recognizing the immense importance and value of deep sea ecosystems and the biodiversity they contain;

103. *Reaffirms* the importance it attaches to paragraphs 83 to 91 of resolution 61/105 addressing the impacts of bottom fishing on vulnerable marine ecosystems and the urgent actions called for in that resolution;

104. *Recalls* that nothing in paragraphs 83 to 86 of resolution 61/105 is to prejudice the sovereign rights of coastal States over their continental shelf or the exercise of the jurisdiction of coastal States with regard to that shelf under international law as reflected in the Convention;

105. *Welcomes* the further progress in regulating bottom fisheries in accordance with resolution 61/105 by the Commission for the Conservation of Antarctic Marine Living Resources, the General Fisheries Commission for the Mediterranean, the North East Atlantic Fisheries Commission, the Northwest Atlantic Fisheries Organization and the South-East Atlantic Fisheries Organization, and by the participants in negotiations to establish subregional and regional fisheries management organizations or arrangements in the North-West Pacific and the South Pacific, as well as by States in respect of vessels flying their flag conducting bottom fisheries in areas beyond national jurisdiction where there is no regional fisheries management organization or arrangement competent to regulate such fisheries or for which no multilateral interim measures to this end have been adopted;

106. *Urges* States, including States participating in negotiations to establish new regional fisheries management organizations or arrangements with the competence to regulate bottom fisheries, and regional fisheries management organizations or arrangements with the competence to regulate bottom fisheries, to continue, and expedite where necessary, their efforts to fully and effectively implement measures in accordance with paragraphs 80 and 83 to 87 of resolution 61/105;

107. *Requests* the Secretary-General, in cooperation with the Food and Agriculture Organization of the United Nations, to report to the General Assembly at its sixty-fourth session on the actions taken by States and regional fisheries management organizations and arrangements to give effect to paragraphs 83 to 90 of resolution 61/105, in order to facilitate the further review of progress on actions taken, referred to in paragraph 91 of that resolution, with a view to further recommendations, where necessary;

108. *Requests* States and regional fisheries management organizations and arrangements to submit detailed information to the Secretary-General in a timely manner on actions taken pursuant to paragraphs 83 to 90 of resolution 61/105 to facilitate a further review of such actions;

109. *Encourages* accelerated progress to establish criteria on the objectives and management of marine protected areas for fisheries purposes, and in this regard welcomes the proposed work of the Food and Agriculture Organization of the United Nations to develop technical guidelines in accordance with the Convention and the Code on the design, implementation and testing of marine protected areas for such purposes, and urges coordination and cooperation among all relevant international organizations and bodies;

110. *Urges* all States to implement the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities [21] and to accelerate activity to safeguard the marine ecosystem, including fish stocks, against pollution and physical degradation;

111. *Reaffirms* the importance it attaches to paragraphs 77 to 81 of resolution 60/31 concerning the issue of lost, abandoned, or discarded fishing gear and related marine debris and the adverse impacts such debris and derelict fishing gear have on, inter alia, fish stocks, habitats and other marine species, and urges accelerated progress by States and regional fisheries management organizations and arrangements in implementing those paragraphs of the resolution;

XI

Capacity-building

112. *Reiterates* the crucial importance of cooperation by States directly or, as appropriate, through the relevant subregional and regional organizations, and by other international organizations, including the Food and Agriculture Organization of the United Nations through its FishCode programme, including through financial and/or technical assistance, in accordance with the Agreement, the Compliance Agreement, the Code and its associated international plans of action,[6] to increase the capacity of developing States to achieve the goals and implement the actions called for in the present resolution;

113. *Welcomes* the work of the Food and Agriculture Organization of the United Nations in developing guidance on the strategies and measures required for the creation of an enabling environment for small-scale fisheries, including the development of a code of conduct and guidelines for enhancing the contribution of small-scale fisheries to poverty alleviation and food security that include adequate provisions with regard to financial measures and capacity-building, including transfer of technology, and encourages studies for creating possible alternative livelihoods for coastal communities;

114. *Encourages* increased capacity-building and technical assistance by States, international financial institutions and relevant intergovernmental organizations and bodies for fishers, in particular small-scale fishers, in developing countries, and in particular small island developing States, consistent with environmental sustainability;

115. *Encourages* the international community to enhance the opportunities for sustainable development in developing countries, in particular the least developed countries, small island developing States and coastal African States, by encouraging greater participation of those States in authorized fisheries activities being undertaken within areas under their national jurisdiction, in accordance with the Convention, by distant-water fishing nations in order to achieve better economic returns for developing countries from their fisheries resources within areas under their national jurisdiction and an enhanced role in regional fisheries management, as well as by enhancing the ability of developing countries to develop their own fisheries, as well as to participate in high seas fisheries, including access to such fisheries, in conformity with international law, in particular the Convention and the Agreement, and taking into account article 5 of the Code;

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[21] See A/51/116, annex II.

116. *Requests* distant-water fishing nations, when negotiating access agreements and arrangements with developing coastal States, to do so on an equitable and sustainable basis, including by giving greater attention to fish processing and fish-processing facilities within the national jurisdiction of the developing coastal State to assist the realization of the benefits from the development of fisheries resources, and also the transfer of technology and assistance for monitoring, control and surveillance and compliance and enforcement within areas under the national jurisdiction of the developing coastal State providing fisheries access, taking into account the forms of cooperation set out in article 25 of the Agreement and article 5 of the Code;

117. *Encourages* States, individually and through regional fisheries management organizations and arrangements, to provide greater assistance and to promote coherence in such assistance for developing States in designing, establishing and implementing relevant agreements, instruments and tools for the conservation and sustainable management of fish stocks, including in designing and strengthening their domestic regulatory fisheries policies and those of regional fisheries management organizations or arrangements in their regions, and the enhancement of research and scientific capabilities through existing funds, such as the Assistance Fund under Part VII of the Agreement, bilateral assistance, regional fisheries management organizations and arrangements assistance funds, the FishCode programme, the World Bank's global programme on fisheries and the Global Environment Facility;

118. *Calls upon* States to promote, through continuing dialogue and the assistance and cooperation provided in accordance with articles 24 to 26 of the Agreement, further ratification of or accession to the Agreement by seeking to address, inter alia, the issue of lack of capacity and resources that might stand in the way of developing States becoming parties;

119. *Notes with satisfaction* the efforts undertaken by the Secretary-General to gather information on assistance and resources available for developing States to assist them in becoming parties to the Agreement and in implementing the Agreement, and looks forward to the compilation and publication of this information for the use of States;

120. *Encourages* States, regional fisheries management organizations and arrangements and other relevant bodies to assist developing States in the implementation of the actions called for in paragraphs 83 to 91 of resolution 61/105;

XII

Cooperation within the United Nations system

121. *Requests* the relevant parts of the United Nations system, international financial institutions and donor agencies to support increased enforcement and compliance capabilities for regional fisheries management organizations and their member States;

122. *Invites* the Food and Agriculture Organization of the United Nations to continue its cooperative arrangements with United Nations agencies on the implementation of the international plans of action and to report to the Secretary-General, for inclusion in his annual report on sustainable fisheries, on priorities for cooperation and coordination in this work;

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Sixty-fourth session of the General Assembly

123. *Requests* the Secretary-General to bring the present resolution to the attention of all members of the international community, relevant intergovernmental organizations, the organizations and bodies of the United Nations system, subregional and regional fisheries management organizations and relevant non-governmental organizations, and to invite them to provide the Secretary-General with information relevant to the implementation of the present resolution;

124. *Also requests* the Secretary-General to submit to the General Assembly at its sixty-fifth session a report on "Sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments", taking into account information provided by States, relevant specialized agencies, in particular the Food and Agriculture Organization of the United Nations, and other appropriate organs, organizations and programmes of the United Nations system, subregional and regional organizations and arrangements for the conservation and management of straddling fish stocks and highly migratory fish stocks, as well as other relevant intergovernmental bodies and non-governmental organizations, and consisting, inter alia, of elements provided in relevant paragraphs in the present resolution;

125. *Decides* to include in the provisional agenda of its sixty-fourth session, under the item entitled "Oceans and the law of the sea", the sub-item entitled "Sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments".

64th plenary meeting
5 December 2008

General Assembly

Distr.: General
26 February 2009

Sixty-third session
Agenda item 45

Resolution adopted by the General Assembly

[*without reference to a Main Committee (A/63/L.23 and Add.1)*]

63/113. International Decade for a Culture of Peace and Non-Violence for the Children of the World, 2001–2010

The General Assembly,

Bearing in mind the Charter of the United Nations, including the purposes and principles contained therein, and especially the dedication to saving succeeding generations from the scourge of war,

Recalling the Constitution of the United Nations Educational, Scientific and Cultural Organization, which states that, "since wars begin in the minds of men, it is in the minds of men that the defences of peace must be constructed",

Recalling also its previous resolutions on a culture of peace, in particular resolution 52/15 of 20 November 1997 proclaiming 2000 the International Year for the Culture of Peace, resolution 53/25 of 10 November 1998 proclaiming the period 2001–2010 the International Decade for a Culture of Peace and Non-Violence for the Children of the World, and resolutions 56/5 of 5 November 2001, 57/6 of 4 November 2002, 58/11 of 10 November 2003, 59/143 of 15 December 2004, 60/3 of 20 October 2005, 61/45 of 4 December 2006 and 62/89 of 17 December 2007,

Reaffirming the Declaration[1] and Programme of Action[2] on a Culture of Peace, recognizing that they serve, inter alia, as the basis for the observance of the Decade, and convinced that the effective and successful observance of the Decade throughout the world will promote a culture of peace and non-violence that benefits humanity, in particular future generations,

Recalling the United Nations Millennium Declaration,[3] which calls for the active promotion of a culture of peace,

Taking note of Commission on Human Rights resolution 2000/66 of 26 April 2000, entitled "Towards a culture of peace",[4]

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[1] Resolution 53/243 A.

[2] Resolution 53/243 B.

[3] See resolution 55/2.

[4] See *Official Records of the Economic and Social Council, 2000, Supplement No. 3* and corrigendum (E/2000/23 and Corr.1), chap. II, sect. A.

Taking note also of the report of the Secretary-General on the International Decade for a Culture of Peace and Non-Violence for the Children of the World,[5] including paragraph 28 thereof, which indicates that each of the ten years of the Decade will be marked with a different priority theme related to the Programme of Action,

Noting the relevance of the World Summit on Sustainable Development, held in Johannesburg, South Africa, from 26 August to 4 September 2002, the International Conference on Financing for Development, held in Monterrey, Mexico, from 18 to 22 March 2002, the special session of the General Assembly on children, held in New York from 8 to 10 May 2002, the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa, from 31 August to 8 September 2001, and the United Nations Decade for Human Rights Education, 1995–2004, for the International Decade for a Culture of Peace and Non-Violence for the Children of the World, 2001–2010, as well as the need to implement, as appropriate, the relevant decisions agreed upon therein,

Recognizing that all efforts made by the United Nations system in general and the international community at large for peacekeeping, peacebuilding, the prevention of conflicts, disarmament, sustainable development, the promotion of human dignity and human rights, democracy, the rule of law, good governance and gender equality at the national and international levels contribute greatly to the culture of peace,

Noting that its resolution 57/337 of 3 July 2003 on the prevention of armed conflict could contribute to the further promotion of a culture of peace,

Taking into account the "Manifesto 2000" initiative of the United Nations Educational, Scientific and Cultural Organization promoting a culture of peace, which has so far received over seventy-five million signatures of endorsement throughout the world,

Taking note with appreciation of the report of the Director-General of the United Nations Educational, Scientific and Cultural Organization on the implementation of resolution 62/89,[6]

Taking note of the 2005 World Summit Outcome adopted at the High-level Plenary Meeting of the General Assembly,[7]

Welcoming the designation of 2 October as the International Day of Non-Violence,[8]

Recalling the proclamation by the United Nations Educational, Scientific and Cultural Organization of 21 February as the International Mother Language Day, which aims at promoting and preserving linguistic and cultural diversity, and multilingualism, in order to foster a culture of peace, harmony, cross-cultural dialogue and mutual understanding,

Appreciating the ongoing efforts of the Alliance of Civilizations and the Tripartite Forum on Interfaith Cooperation for Peace in promoting a culture of peace,

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[5] A/56/349.

[6] See A/63/127.

[7] See resolution 60/1.

[8] See resolution 61/271.

1. *Reiterates* that the objective of the International Decade for a Culture of Peace and Non-Violence for the Children of the World, 2001–2010, is to strengthen further the global movement for a culture of peace following the observance of the International Year for the Culture of Peace in 2000;

2. *Invites* Member States to continue to place greater emphasis on and expand their activities promoting a culture of peace and non-violence, in particular during the Decade, at the national, regional and international levels and to ensure that peace and non-violence are fostered at all levels;

3. *Commends* the United Nations Educational, Scientific and Cultural Organization for recognizing the promotion of a culture of peace as the expression of its fundamental mandate, and encourages it, as the lead agency for the Decade, to strengthen further the activities it has undertaken for promoting a culture of peace, including the dissemination of the Declaration[1] and Programme of Action[2] on a Culture of Peace and related materials in various languages across the world;

4. *Commends* the relevant United Nations bodies, in particular the United Nations Children's Fund, the United Nations Development Fund for Women and the University for Peace, for their activities in further promoting a culture of peace and non-violence, including the promotion of peace education and activities related to specific areas identified in the Programme of Action, and encourages them to continue and further strengthen and expand their efforts;

5. *Encourages* the Peacebuilding Commission to promote a culture of peace and non-violence for children in its activities;

6. *Encourages* the appropriate authorities to provide education, in children's schools, that includes lessons in mutual understanding, tolerance, active citizenship, human rights and the promotion of a culture of peace;

7. *Commends* civil society, including non-governmental organizations and young people, for their activities in further promoting a culture of peace and non-violence, including through their campaign to raise awareness on a culture of peace, and takes note of the progress achieved by more than seven hundred organizations in more than one hundred countries;

8. *Encourages* civil society, including non-governmental organizations, to further strengthen its efforts in furtherance of the objectives of the Decade, inter alia, by adopting its own programme of activities to complement the initiatives of Member States, the organizations of the United Nations system and other international and regional organizations;

9. *Encourages* the involvement of the mass media in education for a culture of peace and non-violence, with particular regard to children and young people, including through the planned expansion of the Culture of Peace News Network as a global network of Internet sites in many languages;

10. *Welcomes* the efforts made by the United Nations Educational, Scientific and Cultural Organization to continue the communication and networking arrangements established during the International Year for providing an instant update of developments related to the observance of the Decade;

11. *Invites* Member States to observe 21 September each year as the International Day of Peace, as a day of global ceasefire and non-violence, in accordance with resolution 55/282 of 7 September 2001;

12. *Invites* Member States, as well as civil society, including non-governmental organizations, to continue providing information to the Secretary-General on the observance of the Decade and the activities undertaken to promote a culture of peace and non-violence;

13. *Appreciates* the participation of Member States in the day of plenary meetings to review progress made in the implementation of the Declaration and Programme of Action and the observance of the Decade at its midpoint;

14. *Requests* the Secretary-General to explore enhancing mechanisms for the implementation of the Declaration and Programme of Action;

15. *Also requests* the Secretary-General to submit to the General Assembly at its sixty-fourth session a report on the implementation of the present resolution;

16. *Decides* to include in the provisional agenda of its sixty-fourth session the item entitled "Culture of peace".

64th plenary meeting
5 December 2008

General Assembly

Distr.: General
26 February 2009

Sixty-third session
Agenda item 114 (*r*)

Resolution adopted by the General Assembly

[*without reference to a Main Committee (A/63/L.44 and Add.1)*]

63/114. Cooperation between the United Nations and the Organization of the Islamic Conference

The General Assembly,

Recalling its resolutions 37/4 of 22 October 1982, 38/4 of 28 October 1983, 39/7 of 8 November 1984, 40/4 of 25 October 1985, 41/3 of 16 October 1986, 42/4 of 15 October 1987, 43/2 of 17 October 1988, 44/8 of 18 October 1989, 45/9 of 25 October 1990, 46/13 of 28 October 1991, 47/18 of 23 November 1992, 48/24 of 24 November 1993, 49/15 of 15 November 1994, 50/17 of 20 November 1995, 51/18 of 14 November 1996, 52/4 of 22 October 1997, 53/16 of 29 October 1998, 54/7 of 25 October 1999, 55/9 of 30 October 2000, 56/47 of 7 December 2001, 57/42 of 21 November 2002, 59/8 of 22 October 2004 and 61/49 of 4 December 2006,

Recalling also its resolution 3369 (XXX) of 10 October 1975, by which it decided to invite the Organization of the Islamic Conference to participate in the sessions and the work of the General Assembly and of its subsidiary organs in the capacity of observer,

Welcoming the efforts of the Secretary-General of the Organization of the Islamic Conference in strengthening the role of the Organization in conflict prevention, confidence-building, peacekeeping, conflict resolution and post-conflict rehabilitation in member States as well as in conflict situations involving Muslim communities,

Noting the adoption by the third extraordinary session of the Islamic Summit Conference, held in Mecca, Saudi Arabia, on 7 and 8 December 2005, of the Ten-year Programme of Action,[1] and the adoption on 14 March 2008 by the eleventh session of the Islamic Summit Conference, held in Dakar on 13 and 14 March 2008, of the amended Charter of the Organization of the Islamic Conference,

Having considered the report of the Secretary-General on cooperation between the United Nations and regional and other organizations,[2]

[1] See A/60/633-S/2005/826, annex III.

[2] A/63/228-S/2008/531 and Corr.1.

Taking into account the desire of the two organizations to continue to cooperate closely in the political, economic, social, humanitarian, cultural and scientific fields and in their common search for solutions to global problems, such as questions relating to international peace and security, disarmament, self-determination, the promotion of a culture of peace through dialogue and cooperation, decolonization, fundamental human rights and economic and social development,

Recalling the Articles of the Charter of the United Nations that encourage activities through regional cooperation for the promotion of the purposes and principles of the United Nations,

Recalling also the decision of the Annual Coordination Meeting of Ministers for Foreign Affairs of the States members of the Organization of the Islamic Conference, held in New York on 26 September 2008, to recognize the merit of celebrating the fortieth anniversary of the Organization of the Islamic Conference in 2009 through national and international programmes on different aspects of the Organization of the Islamic Conference, highlighting its activities, evolution and reform through the four decades of its existence,

Noting that the report of the Secretary-General recognizes the strengthening of practical cooperation and the building of complementarity between the United Nations, its funds and programmes and the specialized agencies and the Organization of the Islamic Conference, its subsidiary organs and its specialized and affiliated institutions,[3]

Noting also the encouraging progress made in the ten priority areas of cooperation between the two organizations and their respective agencies and institutions, as well as in the identification of other areas of cooperation between them,

Noting further that the Secretaries-General of the two organizations have met regularly, and consultations involving the Special Adviser for the International Compact with Iraq and Other Political Issues, in March 2007, and the High-level Coordinator for missing Kuwaitis and third-country citizens and missing Kuwaiti property, in June 2008, and the visit of the Executive Director of the Counter-Terrorism Committee Executive Directorate to the headquarters of the Organization of the Islamic Conference, in March 2008, have enhanced cooperation,

Convinced that the strengthening of cooperation between the United Nations and other organizations of the United Nations system and the Organization of the Islamic Conference and its organs and institutions contributes to the promotion of the purposes and principles of the United Nations,

Taking note of the results of the general meeting of the organizations and agencies of the United Nations system and the Organization of the Islamic Conference and its subsidiary organs and specialized and affiliated institutions, held in Geneva from 8 to 10 July 2008, to review and appraise the level of cooperation in the fields of science and technology, trade and development, implementation of the Millennium Development Goals, protection of and assistance to refugees, human rights, human resource development, food security and agriculture, environment, health and population, arts and crafts, and the promotion of heritage, and of the fact

[3] Ibid., sect. II.L.

that these meetings are now being held every two years, with the next one scheduled for 2010,

Recalling that the Organization of the Islamic Conference remains an important partner of the United Nations in peace, security and the fostering of a culture of peace at the global level, and noting various decisions reached by the two sides, including the agreement to continue cooperation in conflict prevention, peacekeeping and peacebuilding and the agreement to improve the follow-up mechanism,

Taking note of the contribution of the Organization of the Islamic Conference in promoting intercultural dialogue and understanding within the framework of the Alliance of Civilizations and other initiatives in this regard,

Welcoming the close and multifaceted cooperation between the specialized institutions of the United Nations and the Organization of the Islamic Conference with a view to strengthening the capacities of the two organizations in addressing challenges to development and social progress, including ongoing discussions between the United Nations Children's Fund and the Organization of the Islamic Conference on formalizing their partnership through specific initiatives linked to the Millennium Development Goals, as part of the Organization of the Islamic Conference Ten-year Programme of Action to Meet the Challenges Facing the Muslim Ummah in the Twenty-first Century,

Welcoming also the existing cooperation between the Organization of the Islamic Conference and the Office for the Coordination of Humanitarian Affairs of the Secretariat, including dialogue between the two entities on reaching out to non-governmental organizations and other humanitarian actors in member States of the Organization of the Islamic Conference as well as participation in joint activities and events and information-sharing, with a view to furthering proactive engagement and implementing concrete programmes in capacity-building, emergency assistance and strategic partnerships,

Noting the request of the Organization of the Islamic Conference for greater interaction between the United Nations and the Organization of the Islamic Conference Secretariat extending beyond the current biennial arrangement so as to include a periodic review of cooperation, in light of the expanding areas of cooperation between the two organizations,

Noting with appreciation the determination of the two organizations to strengthen further the existing cooperation by developing specific proposals in the designated priority areas of cooperation, as well as in the political field,

1. *Takes note with satisfaction* of the report of the Secretary-General;[2]

2. *Urges* the United Nations system to cooperate with the Organization of the Islamic Conference in areas of mutual interest, as appropriate;

3. *Notes with satisfaction* the active participation of the Organization of the Islamic Conference in the work of the United Nations towards the realization of the purposes and principles embodied in the Charter of the United Nations;

4. *Affirms* that the United Nations and the Organization of the Islamic Conference share a common goal of promoting and facilitating the Middle East peace process so that it can reach its objective of establishing a just and comprehensive peace in the Middle East;

5. *Requests* the United Nations and the Organization of the Islamic Conference to continue to cooperate in their common search for solutions to global problems, such as questions relating to international peace and security, disarmament, self-determination, promotion of a culture of peace through dialogue and cooperation, decolonization, human rights and fundamental freedoms, terrorism, capacity-building, health-related issues such as combating pandemic and endemic diseases, emergency relief and rehabilitation and technical cooperation;

6. *Requests* the secretariats of the two organizations to strengthen cooperation in addressing the social and economic issues that affect the efforts of Member States to eradicate poverty and achieve sustainable development and the Millennium Development Goals;

7. *Welcomes* the efforts of the United Nations and the Organization of the Islamic Conference to continue to strengthen cooperation between the two organizations in areas of common concern and to review and explore innovative ways and means of enhancing the mechanisms of such cooperation;

8. *Also welcomes* the cooperation between the United Nations Development Programme and the Organization of the Islamic Conference and its specialized and affiliated institutions in promoting South-South cooperation in areas of common interest;

9. *Welcomes with appreciation* the continuing cooperation between the United Nations and the Organization of the Islamic Conference in the fields of peacemaking, preventive diplomacy, peacekeeping and peacebuilding, and notes the close cooperation between the two organizations in reconstruction and development in Afghanistan, Bosnia and Herzegovina and Sierra Leone;

10. *Welcomes* the efforts of the secretariats of the two organizations to strengthen information exchange, coordination and cooperation between them in areas of mutual interest in the political field and to develop practical modalities of such cooperation;

11. *Also welcomes* the periodic high-level meetings between the Secretary-General of the United Nations and the Secretary-General of the Organization of the Islamic Conference, as well as between senior secretariat officials of the two organizations, and encourages their participation in important meetings of the two organizations;

12. *Encourages* the specialized agencies and other organizations of the United Nations system to continue to expand their cooperation with the subsidiary organs and specialized and affiliated institutions of the Organization of the Islamic Conference, particularly in the domains of science and technology, higher education, health and environment, by negotiating cooperation agreements, and through necessary contacts and meetings of the respective focal points for cooperation in priority areas of interest to the United Nations and the Organization of the Islamic Conference;

13. *Urges* the United Nations and other organizations of the United Nations system, especially the lead agencies, to provide increased technical and other forms of assistance to the Organization of the Islamic Conference and its subsidiary organs and specialized and affiliated institutions in order to enhance cooperation;

14. *Expresses its appreciation* to the Secretary-General for his continued efforts to strengthen cooperation and coordination between the United Nations and other organizations of the United Nations system and the Organization of the

Islamic Conference and its subsidiary organs and specialized and affiliated institutions to serve the mutual interests of the two organizations in the political, economic, social, cultural, humanitarian and scientific fields;

15. *Requests* the Secretary-General to report to the General Assembly at its sixty-fifth session on the state of cooperation between the United Nations and the Organization of the Islamic Conference;

16. *Decides* to include in the provisional agenda of its sixty-fifth session the sub-item entitled "Cooperation between the United Nations and the Organization of the Islamic Conference".

64th plenary meeting
5 December 2008

General Assembly

Distr.: General
26 February 2009

Sixty-third session
Agenda item 114 (*o*)

Resolution adopted by the General Assembly

[*without reference to a Main Committee (A/63/L.46 and Add.1)*]

63/115. Cooperation between the United Nations and the Organization for the Prohibition of Chemical Weapons

The General Assembly,

Recalling its resolution 61/224 of 20 December 2006 on cooperation between the United Nations and the Organization for the Prohibition of Chemical Weapons,

Having received the annual report for 2006 and the draft report for 2007 of the Organization for the Prohibition of Chemical Weapons on the implementation of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction,[1]

1. *Takes note* of the annual report for 2006 and the draft report for 2007 of the Organization for the Prohibition of Chemical Weapons submitted on its behalf by its Director-General;[1]

2. *Welcomes* the successful conclusion of the Second Special Session of the Conference of the States Parties to Review the Operation of the Chemical Weapons Convention, held in The Hague from 7 to 18 April 2008, and its important outcome, including the consensus final report,[2] which addressed all aspects of the Convention and made important recommendations on its continued implementation;

3. *Decides* to include in the provisional agenda of its sixty-fifth session the sub-item entitled "Cooperation between the United Nations and the Organization for the Prohibition of Chemical Weapons".

64th plenary meeting
5 December 2008

[1] See A/63/155.

[2] See Organization for the Prohibition of Chemical Weapons, document RC-2/4.

General Assembly

Distr.: General
26 February 2009

Sixty-third session
Agenda item 64

Resolution adopted by the General Assembly

[without reference to a Main Committee (A/63/L.54)]

63/116. Sixtieth anniversary of the Universal Declaration of Human Rights

The General Assembly

Adopts the following Declaration:

Declaration on the sixtieth anniversary of the Universal Declaration of Human Rights

We, the States Members of the United Nations, celebrate today the sixtieth anniversary of the adoption of the Universal Declaration of Human Rights, which is a common standard of achievement for all peoples and all nations in the field of human rights. Since its adoption, it has inspired the world and empowered women and men around the globe to assert their inherent dignity and rights without discrimination on any grounds. It is and will remain a source of progressive development of all human rights.

The Universal Declaration of Human Rights calls upon us to recognize and respect the dignity, freedom and equality of all human beings. We applaud the efforts undertaken by States to promote and protect all human rights for all. We must strive to enhance international cooperation and the dialogue among peoples and nations on the basis of mutual respect and understanding towards this goal.

In an ever-changing world, the Universal Declaration of Human Rights remains a relevant ethical compass that guides us in addressing the challenges we face today. The living, driving force of all human rights unites us in our common goal to eradicate the manifold ills that plague our world. We remain committed to development and to the internationally agreed development goals, and are convinced that their fulfillment will be instrumental to the enjoyment of human rights.

We deplore that human rights and fundamental freedoms are not yet fully and universally respected in all parts of the world. In no country or territory can it be claimed that all human rights have been fully realized at all times for all. Human beings continue to suffer from the neglect and violation of their human rights and fundamental freedoms. We laud the courage and commitment of all women and men around the world who have devoted their lives to promoting and protecting human rights.

We all have the duty to step up our efforts to promote and protect all human rights and to prevent, stop and redress all human rights violations. We must give everybody a chance to learn about and better understand all human rights and fundamental freedoms. We must continue to strengthen the human rights pillar of the United Nations, as we undertook with the creation of the Human Rights Council.

Today, we, the States Members of the United Nations, reiterate that we will not shy away from the magnitude of this challenge. We reaffirm our commitment towards the full realization of all human rights for all, which are universal, indivisible, interrelated, interdependent and mutually reinforcing.

65th plenary meeting
10 December 2008